

## UNITED STATES MARSHAL.

Stanley H. Trezevant to be United States marshal for the western district of Tennessee.

## APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Second Lieut. Walter C. Gullion, Twelfth Cavalry, to be second lieutenant of Infantry.

Second Lieut. John B. Thompson, Fourteenth Infantry, to be second lieutenant of Cavalry.

## APPOINTMENTS IN THE ARMY.

## CHAPLAIN.

Rev. Clifford Lore Miller to be chaplain, with the rank of first lieutenant.

## MEDICAL DEPARTMENT.

Acting Dental Surg. James Francis Feely to be dental surgeon, with the rank of first lieutenant.

## POSTMASTERS.

## ARKANSAS.

Thomas C. Fleeman, Ozark.

## ILLINOIS.

W. B. Barnum, Ridgway.

William M. Cannedy, Greenfield.

J. W. Clendenin, Monmouth.

Hazel L. Garvey, Blandinsville.

L. A. Kennedy, Chester.

Helen G. Longenbaugh, Moweaqua.

T. W. Medlin, Anna.

James Lafayette Molohon, Divernon.

J. C. Neal, Neoga.

Conrad Schweer, Crete.

George W. Spinner, Barrington.

Frank P. Williams, Carrollton.

## INDIANA.

R. William I. Boggs, Veedersburg.

## IOWA.

Eliza Ann Butler, North English.

Peter H. Goslin, Clarion.

S. M. Hutzell, Victor.

Maurice Moroney, Earlville.

## KANSAS.

Harry M. Brodrick, Marysville.

## KENTUCKY.

N. T. Mercer, Columbia.

## MASSACHUSETTS.

Thomas F. Donahue, Jr., Groton.

Benjamin P. Edwards, Topsfield.

Edward Gilmore, Brockton.

Aloysius B. Kennedy, Rochdale.

Thomas G. O'Connell, Wakefield.

W. S. Smith, Onset.

Maurice Williams, South Easton.

## MINNESOTA.

Adolph C. Gilbertson, Ironton.

Henry F. Hopfensperger, Morgan.

E. T. Vigen, Lake Park.

## MISSOURI.

William H. Farris, Houston.

John T. Haley, Steelville.

George H. King, Birch Tree.

Edward F. Layne, Center.

## NEW YORK.

William T. Vaughn, Sag Harbor.

## NORTH CAROLINA.

Bartholomew M. Gatling, Raleigh.

## OHIO.

Henry C. Fox, Coldwater.

Charles A. Lamberson, Coshocton.

Henry W. Streb, Canal Dover.

L. K. Thompson, Uhrichsville.

William A. Zellars, Freeport.

## OKLAHOMA.

Frederick McDaniel, Bartlesville.

## OREGON.

W. R. Hamer, Newport.

John T. McGuire, North Bend.

## RHODE ISLAND.

John B. Sullivan, Newport.

## PENNSYLVANIA.

William T. Benner, Saxton.

E. R. Benson, Mount Jewett.

G. E. Daugherty, Iselin.

James F. Drake, Hawley.

John J. Durkin, Scranton.

George J. Eppley, Hershey.

Jerome A. Hartman, Phoenixville.

George E. Hipps, Carrolltown.

William A. Irwin, Downingtown.

Norman D. Matson, Brookville.

David M. Means, New Wilmington.

Harry K. McCulloch, Freeport.

## SOUTH DAKOTA.

James M. Holm, Pierre.

## WASHINGTON.

John L. Field, Quincy.

Richard H. Lee, Wilsoncreek.

J. H. McCourt, Sequim.

Fenton Smith, South Bend.

## WISCONSIN.

Phillip B. Bartlett, Melrose.

E. F. Butler, Mosinee.

George H. Herzog, Racine.

Charles J. Janisch, Waterloo.

Henry B. Kaempfer, West Bend.

John J. Kaiser, Stratford.

John A. Kuypers, De Pere.

## VIRGINIA.

Gertrude Blakey, Gordonsville.

J. D. Buchanan, Marion.

Robert P. Cummins, Abingdon.

Charles N. Davidson, Stonega.

Levi B. Davis, Roanoke.

Wirt Dunlap, Blacksburg.

Maurice A. Garrison, Cape Charles.

Roy Kilgore, Norton.

Clara Matheny, Fincastle.

George W. Sheppard, Glenallen.

## VERMONT.

John J. Gallagher, Hardwick.

## HOUSE OF REPRESENTATIVES.

SATURDAY, February 13, 1915.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, draw us by the unseen forces at Thy command into Thy nearer presence that our thoughts and acts may be dominated by Thy will, that with self-control, self-respect, and efficiency we may be the instruments in Thy hands for the furtherance of all good, and thus know the art of living together in harmony, working together in harmony to the glory and honor of Thy holy name, in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

## PROHIBITING CHILD LABOR.

Mr. LEWIS of Maryland. Mr. Speaker, I ask unanimous consent to print a supplementary report from the Committee on Labor on the Palmer child-labor bill (H. R. 12292). I will say that when the bill was reported no full report was made, but the report that I now ask to file contains a complete discussion of the subject matter.

Mr. FITZGERALD. Why not withdraw the first report?

Mr. LEWIS of Maryland. In connection with that, Mr. Speaker, I will request unanimous consent to withdraw the original report.

The SPEAKER. The gentleman from Maryland asks unanimous consent to withdraw the report heretofore made on the Palmer child-labor bill and file a new report (No. 1400). Is there objection? [After a pause.] The Chair hears none.

## NIAGARA FALLS.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent to file minority views (H. Rept. 990, pt. 2) to the report on the bill known as the Niagara bill, controlling the power

companies at Niagara Falls (H. R. 16542). The majority report was filed some time ago, but by mistake the minority views did not accompany it.

The SPEAKER. The gentleman from Virginia asks unanimous consent to file minority views on the Niagara bill. Is there objection? [After a pause.] The Chair hears none.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MONTAGUE, indefinitely, on account of illness.

To Mr. O'SHAUNESSY, indefinitely, on account of illness.

#### HOUR OF MEETING ON MONDAY.

Mr. UNDERWOOD. Mr. Speaker, next Monday is unanimous-consent day, and there may not be many opportunities for unanimous consent after that time. In order that there may be time to call the calendar through, if possible, I ask unanimous consent that when the House adjourns to-morrow it adjourn to meet at 11 o'clock on Monday next.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-morrow it adjourn to meet at 11 o'clock on Monday next. Is there objection? There was no objection.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21318, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CRISP in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 21318) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes.

Mr. MANN. Mr. Chairman, I move to strike out the last word. The item under consideration is the Department of Justice, and I wish to say a word.

On February 1 the Supreme Court handed down a decision holding that under the Criminal Code an indictment might be had against both the woman as well as the man for conspiring to violate the white-slave act. Under a headline of that date an article was published in the Chicago Tribune of February 2 referring to this decision, and in the course of the article the following statement was made:

The Department of Justice was greatly pleased with the decision. Ever since the Mann Act was passed the department has had its hands full of white-slave cases in which the men were punished, although they were the victims of scheming women. In fact, it has had more of these cases than those in which women were the victims of men.

While this article was published under a Washington date line, I do not feel certain whether this portion of the article was written in Washington or written in the newspaper office in Chicago, and I do not undertake to say. The inference from the statement was that the Department of Justice had, in fact, reported that there were more cases in which men were punished where they were the victims of women than there were of cases in which women were the victims of men. The assumption that this was reported from the Department of Justice was carried out in a newspaper editorial published in the Chicago Tribune on February 3, the next day, in which the Tribune editorially made this statement:

The Federal Department of Justice is said to regard the decision of the Supreme Court in the Clara Holte case as an effective check upon the abuse of the Mann Act for the purpose of blackmail. As the department reports more cases in which men are the victims of blackmailing conspiracies under this law than cases of real "white slavery," the need for some check is plain. That it comes through judicial interpretation rather than explicit amendment is to be regretted.

Of course from my standpoint the newspaper statement, to begin with, bore on its face the fact that it was erroneous. Everyone ought to know that the Department of Justice would not be prosecuting any case where they believed that the person accused, although a man, was the victim of some scheming woman. I say I think it bore upon its face the statement, but because I thought that the Department of Justice ought to be placed fairly before the country, and the country ought to know that the Department of Justice was not engaged in punishing men who were victims of scheming women, I wrote the Depart-

ment of Justice asking for information, and sent the following letter to the Attorney General:

HOUSE OF REPRESENTATIVES,  
Washington, D. C., February 5, 1915.

Hon. THOMAS W. GREGORY,  
Attorney General, Washington, D. C.

SIR: In a news article published in the Chicago Tribune of February 2, commenting upon the recent decision of the Supreme Court relating to conspiracies to violate the white-slave act, the following statement is made:

"The Department of Justice was greatly pleased with the decision. Ever since the Mann Act was passed the department has had its hands full of white-slave cases in which the men were punished, although they were the victims of scheming women. In fact, it has had more of these cases than those in which women were the victims of men."

I inclose the article and beg to ask that the clipping be returned to me with your reply.

Is it true that since the Mann Act was passed the Department of Justice has had its hands full of white-slave cases in which the men were punished, although they were the victims of scheming women, and that it has had more of these cases than those in which women were the victims of men, and has the department made such a statement?

May I ask whether there have been any cases in which men were punished by prosecution of the Government under this act, although the men were the victims of scheming women? May I ask how many convictions have been had under the white-slave act, and how many of these were cases where men were convicted, although it was shown that they were the victims of scheming women?

An early reply will very greatly oblige,

Yours, sincerely,

JAMES R. MANN, Member of Congress.

The Attorney General replied to that letter as follows:

OFFICE OF THE ATTORNEY GENERAL,  
Washington, D. C., February 6, 1915.

Hon. JAMES R. MANN,  
House of Representatives.

MY DEAR SIR: Answering your letter of the 5th instant as to prosecutions under the white-slave traffic act:

While this department has been confronted with occasional cases wherein the facts have made it more or less certain that the complaining women were influenced by mercenary considerations, or themselves arranged and planned to induce the man to transport them, it is not true that it has had its hands full of such cases; nor, much less, is it true that it has had its hands full of such cases in which the men were punished; nor is it true that such cases outnumber the genuine "women-victim" cases. Therefore the statement to that effect, quoted in your letter as appearing in an article in the Chicago Tribune, is entirely unfounded, and made without authority of this department.

There have been to January 1 of this year 1,014 convictions under the white-slave traffic act since its approval; 159 acquittals; 145 cases were dismissed; and 320 cases are still pending. There is no classification of cases along the lines referred to in the article in question.

It is the belief of the department that the cases in which convictions were had are cases in which the interests of justice were subserved thereby.

Very sincerely,

T. W. GREGORY,  
Attorney General.

That is the letter from the Attorney General, and while it ought not to be necessary to say that the Department of Justice is not engaged, on the very face of it could not be engaged, in prosecuting cases where they believed the accused was a victim rather than a violator of the law, still, in view of the fact that the statement was made as it was in the Tribune and various other papers of the country, I think it is proper to make this statement.

Under leave to extend I append herewith the decision of the Supreme Court in the case referred to, together with the dissenting opinion of Mr. Justice Lamar:

#### SUPREME COURT OF THE UNITED STATES.

NO. 623—OCTOBER TERM, 1914.

The United States, plaintiff in error, v. Clara Holte, in error to the District Court of the United States for the Eastern District of Wisconsin.

[February 1, 1915.]

Mr. Justice Holmes delivered the opinion of the court:

This is an indictment for a conspiracy between the present defendant and one Laudenschleger, that Laudenschleger should cause the defendant to be transported from Illinois to Wisconsin for the purpose of prostitution, contrary to the act of June 25, 1910 (ch. 396, 36 Stat., 825). As the defendant is the woman, the district court sustained a demurrer on the ground that although the offense could not be committed without her she was no party to it but only the victim. The single question is whether that ruling is right. We do not have to consider what would be necessary to constitute the substantive crime under the act of 1910, or what evidence would be required to convict a woman under an indictment like this, but only to decide whether it is impossible for the transported woman to be guilty of a crime in conspiring as alleged.

The words of the penal code of March 4, 1909 (ch. 350, sec. 37), are "conspire to commit an offense against the United States," and the argument is that they mean an offense that all the conspirators could commit, and that the woman could not commit the offense alleged to be the object of the conspiracy. For, although the statute of 1910 embraces matters to which she could be a party, if the words are taken literally—for instance, aiding in procuring any form of transportation for the purpose—the conspiracy alleged, as we have said, is a conspiracy that Laudenschleger should procure transportation and should cause the woman to be transported. Of course the words of the penal code could be narrowed as we have suggested, but in that case they would not be as broad as the mischief, and we think it plain that they mean to adopt the common law as to conspiracy and that "commit" means no more than bring about. For, as was observed in *Drew v. Thaw* (Dec. 21, 1914), a conspiracy to accomplish what an individual is free to do may be a crime (Reg. v. Mears, 4 Cox. C. C., 423; 2



Den. C. C., 79; Reg. v. Howell, 4 F. and F., 160), and even more plainly a person may conspire for the commission of a crime by a third person. We will assume that there may be a degree of cooperation that would not amount to a crime, as where it was held that a purchase of spirituous liquor from an unlicensed vendor was not a crime in the purchaser although it was in the seller. (*Commonwealth v. Willard*, 22 Pick., 476.) But a conspiracy with an officer or employee of the Government or any other for an offense that only he could commit has been held for many years to fall within the conspiracy section, now section 37 of the penal code. (*United States v. Martin*, 4 Cliff., 156, 164; *United States v. Bayer*, 4 Dillon, 407, 410; *United States v. Stevens*, 44 Fed. Rep., 132, 140; *State v. Huegin*, 110 Wis., 189, 246.) So a woman may conspire to procure an abortion upon herself when under the law she could not commit the substantive crime and therefore, it has been held, could not be an accomplice. (*The Queen v. Whitchurch*, 24 Q. B. D., 420, 422; *Solander v. The People*, 2 Colo., 48, 63; *State v. Croftord*, 133 Iowa, 478, 480.)

So we think that it would be going too far to say that the defendant could not be guilty in this case. Suppose, for instance, that a professional prostitute, as well able to look out for herself as was the man, should suggest and carry out a journey within the act of 1910 in the hope of blackmailing the man, and should buy the railroad tickets, or should pay the fare from Jersey City to New York, she would be within the letter of the act of 1910, and we see no reason why the act should not be held to apply. We see equally little reason for not treating the preliminary agreement as a conspiracy that the law can reach, if we abandon the illusion that the woman always is the victim. The words of the statute punish the transportation of a woman for the purpose of prostitution even if she were the first to suggest the crime. The substantive offense might be committed without the woman's consent; for instance, if she were drugged or taken by force. Therefore the decisions that it is impossible to turn the concurrence necessary to effect certain crimes, such as bigamy or dueling, into a conspiracy to commit them do not apply. Judgment reversed.

Mr. Justice McReynolds took no part in the consideration and decision of this case.

SUPREME COURT OF THE UNITED STATES.

NO. 628.—OCTOBER TERM, 1914.

The United States, plaintiff in error, v. Clara Holte, in error to the District Court of the United States for the Eastern District of Wisconsin.

[February 1, 1915.]

Mr. Justice Lamar, dissenting:

I dissent from the conclusion that a woman can be guilty of conspiring to have herself unlawfully transported in interstate commerce for purposes of prostitution.

Congress had no power to punish immorality, and certainly did not intend by this act of June 25, 1910 (35 Stat., 825), to make fornication or adultery, which was a State misdemeanor, a Federal felony, punishable by \$5,000 fine and five years' imprisonment. But when it appeared that there was a traffic in women to be used for purposes of prostitution, debauchery, and immoral purposes, Congress legislated so as to prohibit their interstate transportation in such vicious business. That there was such traffic in women and girls; that they were "literally slaves," "owned and held as property and chattels," and that their traffickers made large profits, is set out at length in the reports of the House and Senate committees (61st Cong., 2d sess.) recommending the passage of the bill. So that an argument based on the use of the words "slaves," "enslaved," "traffic in women," "business in women," "subject of transportation," and the like—which might otherwise appear to be strained—is amply justified by the amazing facts which those reports show as to the existence and extent of the business and the profits made by the traffickers in women. The argument based on the use of these words and what they imply is further justified by the fact that the statute itself declares (sec. 8) that it shall be known as the "white slave traffic act." In giving itself such a title the statute specifically indicates that while of right woman is not an object of merchandise or traffic, yet for gain she has by some been wrongfully made such for purposes of prostitution, and that trade Congress intended to bar from interstate commerce.

The act either applies to women who are willingly transported or it does not. If it does not apply to those who willingly go (*H. R. 47*, 61st Cong., 2d sess., p. 10), then there was no offense by the man who transported her or in the woman who voluntarily went, and in that event there was, of course, no conspiracy against the laws of the United States in her agreeing to go. The indictment here, however, assumes that the act applies not only to those who are induced to go but also to those who aid the panderer in securing their own transportation. On that assumption every woman transported for the purposes of the business stands on the same footing, and can not by her consent change her legal status. And if she can not be directly punished for being transported she can not be indirectly punished by calling her assistance in the transportation a conspiracy to violate the laws of the United States. For if she is within the circle of the statute's protection she can not be taken out of that circle by the law of conspiracy and thus be subjected to punishment because she agreed to go.

The statute does not deal with the offense of fornication and adultery, but treats the woman who is transported for use in the business of prostitution as a victim—often a willing victim, but nevertheless a victim. It treats her as enslaved and seeks to guard her against herself as well as against her slaver—against the wiles and threats, the compulsion and inducements, of those who treat her as though she was merchandise and a subject of interstate transportation. The woman, whether coerced or induced, whether willingly or unwillingly transported for purposes of prostitution, debauchery, and immorality, is regarded as the victim of the trafficker, and she can not therefore be punished for being enslaved nor for consenting and agreeing to be transported by him for purposes of such business. To hold otherwise would make the law of conspiracy a sword with which to punish those whom the traffic act was intended to protect.

The fact that prostitutes and others have used this statute as a means by which to levy blackmail may furnish a reason why that should be made a Federal offense, so that she and they can be punished for blackmail or malicious prosecution. But these evils are not to be remedied by extending the law of conspiracy so as to treat the enslaved subject of transportation as a guilty actor in her own transportation, and then punish her because she agreed with her slaver to be shipped in interstate commerce for purposes of prostitution. Such a construction would make every willing victim indictable for conspiracy. Even that elastic offense can not be extended to cover such a case.

There are no decisions dealing directly with the question as to whether a woman assisting in her own illegal transportation can be prosecuted for conspiracy. There are, however, a number of authorities dealing with somewhat analogous subjects. For example, in prosecutions for abortion "the woman does not stand legally in the situation of an accomplice, for although she no doubt participated in the immoral offense imputed to the defendant, she could not have been indicted for the offense. The law regards her as the victim rather than the perpetrator." (*Dunn v. People*, 28 N. Y., —; *Commonwealth v. Wood*, 11 Gray, 86; *State v. Hoyer*, 39 N. J. Law, 608; *State v. Murphy*, 27 N. J. Law, 114; *Commonwealth v. Follanbee*, 155 Mass., 274; *State v. Owen*, 22 Minn., 244; *Watson v. State*, 9 Tex. App., 238. *Keller v. State*, 102 Ga., 510 (seduction). Contra apparently in England and Colorado. *Queen v. Whitchurch*, 24 Q. B. D., 240; *Solander v. People*, 2 Colo., —) So, too, a person who knowingly purchases liquor from one unauthorized to sell it is not guilty of a criminal offense and is not an accomplice. (*State v. Teahan*, 50 Conn., 100; *Commonwealth v. Pillsbury*, 12 Gray, 126; *People v. Smith*, 28 Hun., 626; affirmed on opinion below; 92 New York, 661; *State v. Roslin*, 37 Minn., 212.)

Where the purchaser of liquor sold in violation of law was prosecuted for inducing the seller to commit a crime, the court said:

"Every sale implies a purchaser; there must be a purchaser as well as a seller, and this must have been known and understood by the legislature. Now, if it were intended that the purchaser should be subject to any penalty, it is to be presumed that it would have been declared in the statute, either by imposing a penalty on the buyer in terms or by extending the penal consequences of the prohibited act to all persons aiding, counseling, or encouraging the principal offender. There being no such provision in the statute, there is a strong implication that none such was intended by the legislature." (*Commonwealth v. Willard*, 22 Pick., 479.)

*United States v. Dietrich* (126 U. S., 667), though not directly in point, sheds light on the subject. There two persons were indicted under Revised Statute 5440 for conspiring to violate that law of the United States (Rev. Stat., 1781) which makes it a criminal offense to agree to give or to receive a bribe. The court held that agreeing to give or receive a bribe was the substantive offense and not a conspiracy. For when an offense, as bigamy or adultery, requires for its completion the concurrence of two persons, "the Government can not evade the limitations by indicting as for a conspiracy."

And in *Queen v. Terryll* (1 Q. B., 711), where a girl under 15 years of age was prosecuted for inciting a man to commit adultery with her, one of the judges considered that she could not be found guilty, because she was under the age of consent, and the other said that the statute did not apply because "there is no trace in the statute of any intention to treat the women or girls as criminals."

Applying these cases it appears that under the white-slave traffic act there must be a woman who is transported and a person who compels or induces her to be transported or who aids her in such transportation. "There is no trace in the statute of any intention to treat the women or girls as criminals" for being transported nor for agreeing that they will be transported, nor for aiding in the transportation. And if, as said in *Commonwealth v. Willard* (22 Pick., 479), Congress had intended that they should be subject to indictment for conspiracy, "it would have so declared by extending the penal consequences of the prohibited act to all persons aiding, counseling, or encouraging the principal offender." There being no such provision in the statute, there is a strong implication that none such was intended by the legislature.

To this may be added the practical consideration that any construction making the woman liable for participation in the transportation will not only tend to prevent her from coming forward with her evidence, but in many instances she will be in position to claim her privilege and can refuse to testify on the ground that she might thereby subject herself to prosecution for conspiracy in that she aided in the violation of the law, even though it was intended for the protection of her unfortunate class.

The woman, whether treated as the willing or an unwilling victim of such transportation for such business purposes, can not be found guilty of the main offense nor punished for the incidental act of conspiring to be enslaved and transported. Indeed, if she could be so punished for conspiring with her slaver, the fundamental idea that makes the act valid would be destroyed. She would cease to be an object of traffic; and instead of being the subject of illegal transportation would not be transported by a slaver as an object of interstate commerce, so as to be subject to regulative prohibitions under the commerce clause, but would be voluntarily traveling on her own account and punishable by the laws of the State for prostitution practiced after her arrival.

I am authorized to say that Mr. Justice Day concurs in this dissent.

True copy.

Test:

Clerk Supreme Court United States.

Mr. TAYLOR of Colorado. Mr. Chairman, by permission of the chairman of the committee, I ask unanimous consent to return for a moment to page 111 of the bill for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to recur to page 111 of the bill for the purpose of offering an amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 111, after line 12, by inserting the following as a paragraph:

"Rocky Mountain National Park, Colo.: For protection and improvement, \$8,000."

Mr. TAYLOR of Colorado. Mr. Chairman, a few days ago I reported and the House passed a bill creating the Rocky Mountain National Park in Colorado. The bill was approved by the President on the 26th of January. The Treasury Department and the Interior Department have made a report to the committee recommending an appropriation of \$8,000 for the next fiscal year and \$3,000 for the remainder of the current year. My understanding is that the \$8,000 should go into this bill and that the \$3,000 should be included in the emergency deficiency appropriation bill when it is brought in, in compliance with the recommendations of the Interior Department and the



Treasury Department, which have been approved by the President.

The estimates that I refer to are as follows:

ESTIMATE OF APPROPRIATION, ROCKY MOUNTAIN NATIONAL PARK.

TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
Washington, January 30, 1915.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication of the Secretary of the Interior of this date submitting two estimates of appropriations for the protection and improvement of Rocky Mountain National Park, Colo., under the act entitled "An act to establish the Rocky Mountain National Park in the State of Colorado, and for other purposes," approved January 26, 1915 (Public, No. 238), as follows:

For the fiscal year 1916.....\$8,000  
For the fiscal year 1915.....3,000

Respectfully,

W. G. MCADOO, Secretary.

DEPARTMENT OF THE INTERIOR,  
Washington, January 30, 1915.

DEAR MR. SECRETARY: The act of Congress approved January 26, 1915, to establish the Rocky Mountain National Park in the State of Colorado, and for other purposes, sets apart certain lands in that State as a public park for the benefit and enjoyment of the people of the United States, and places the same under the supervision of the Secretary of the Interior. The act, however, makes no appropriation for administration of the park, but it provides (sec. 4) that no appropriation for maintenance, supervision, or management of the park in excess of \$10,000 annually shall be made unless the same shall have first been expressly authorized by law.

With a view to carrying into effect the provisions of the statute requiring the Secretary of the Interior to supervise the management of the park I have to submit herewith two estimates for protection and improvement of the Rocky Mountain National Park in amounts, respectively, \$3,000 for that portion of the current fiscal year between February 1 and June 30, 1915, and \$8,000 for the fiscal year ending June 30, 1916, together with a memorandum as to the proposed expenditure thereof, and have to recommend that the same be transmitted to Congress for favorable consideration. These estimates have been submitted to the President and have received his approval.

Cordially, yours,

FRANKLIN K. LANE.

The SECRETARY OF THE TREASURY.

Estimates of appropriations required for the service of the fiscal year ending June 30, 1916, by the Department of the Interior.

Rocky Mountain National Park, Colo.—

For protection and improvement of Rocky Mountain National Park, Colo., Jan. 26, 1915 (Public, No. 238).....\$8,000

MEMORANDUM AS TO THE PROPOSED EXPENDITURE OF THE AMOUNT ESTIMATED FOR PROTECTION AND IMPROVEMENT OF ROCKY MOUNTAIN NATIONAL PARK FOR THE FISCAL YEAR ENDING JUNE 30, 1916.

One supervisor.....\$1,800  
Two permanent rangers, at \$900 each.....1,800  
Two temporary rangers, at \$75 per month each, for six months, for fire protection.....900

\$4,500

Construction of 15 miles of telephone line from ranger station Bierstadt Lake, eastern side of park, over Flat Top Mountain, down North Inlet, to Grand Lake on western edge of park, including wire, poles, labor, and apparatus.....1,000  
Banger cabins, repair of trails, rent of temporary office in Estes, telephone service, telegraphing, printing, and other miscellaneous expenses, including an edition of 5,000 copies of an administrative map of the park prepared in the Geological Survey.....2,500

\$8,000

Rocky Mountain National Park, Colo.—

For protection and improvement of Rocky Mountain National Park, Colo., Jan. 26, 1915 (Public, No. 238).....3,000

MEMORANDUM AS TO THE PROPOSED EXPENDITURE OF THE AMOUNT ESTIMATED FOR PROTECTION AND IMPROVEMENT OF ROCKY MOUNTAIN NATIONAL PARK FOR THE FISCAL YEAR ENDING JUNE 30, 1915.

One supervisor, 5 months, at \$1,800.....750  
Two permanent rangers, 5 months, at \$900 each.....750

\$1,500

For improvements.....1,500

3,000

Mr. Chairman, I move the adoption of the amendment I have offered.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Colorado.

The question was taken, and the amendment was agreed to. The Clerk read as follows:

DEPARTMENT OF COMMERCE.

LIGHTHOUSE SERVICE.

General expenses: For supplies, repairs, maintenance, and incidental expenses of lighthouses and other lights, beacons, buoyage, fog signals, lighting of rivers heretofore authorized to be lighted, light vessels, other aids to navigation, and lighthouse tenders, including the establishment, repair, and improvement of beacons and day marks and purchase of land for same, the establishment of post lights, buoys, submarine signals, and fog signals, the establishment of oil or carbide houses, not to exceed \$10,000: *Provided*, That any oil or carbide house erected hereunder shall not exceed \$550 in cost; construction of necessary outbuildings at a cost not exceeding \$200 at any one light station in any fiscal year, the improvements of grounds and buildings connected with light stations and depots, wages of laborers attending post lights, pay of temporary employees and field force while engaged on works of general repair and maintenance, and pay of laborers and mechanics at

lighthouse depots; rations and provisions or commutation thereof for keepers of lighthouses, officers and crews of light vessels and tenders, and officials and other authorized persons of the Lighthouse Service on duty on board of such tenders or vessels, and money accruing from commutation for rations and provisions for the above-named persons on board of tenders and light vessels may be paid on proper vouchers to the person having charge of the mess of such vessels, reimbursement under rules prescribed by the Secretary of Commerce of keepers of light stations and masters of light vessels and of lighthouse tenders for rations and provisions and clothing furnished shipwrecked persons who may be temporarily provided for by them, not exceeding in all \$5,000 in any fiscal year, fuel and rent of quarters where necessary for keepers of lighthouses, the purchase of land sites for fog signals, the rent of necessary ground for all such lights and beacons as are for temporary use or to mark changeable channels and which in consequence can not be made permanent, the rent of offices, depots, and wharves, traveling expenses, including per diem in lieu of subsistence allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, mileage, library books for light stations and vessels, and technical books and periodicals not exceeding \$1,000, and for all other contingent expenses of district offices and depots and for contingent expenses of the office of the Bureau of Lighthouses in Washington, \$2,775,000.

Mr. PARKER of New Jersey. Mr. Chairman, I move to strike out the last word. I make the motion as preliminary to a statement I desire to make leading up to a request for unanimous consent to recur to pages 112 and 113 of the bill to the items respecting Howard University, which were struck out of the bill on a point of order made by the gentleman from Mississippi [Mr. Sisson]. I do so in order that I may call to the attention of the Chair a law which seems to have escaped the attention of the chairman and the members of the committee, and which is to be found in Twenty-seventh United States Statutes at Large, page 327. This law also seems to have escaped the attention of the Secretary in drawing up the estimates, although it is contained in the United States compiled statutes. The Chair will, of course, realize that when there is in the appropriation "for maintenance of Howard University," the question instantly arises in everyone's mind as to whether that means maintenance for just that particular year or maintenance hereafter.

ANNUAL REPORTS AND ESTIMATES.

On those words alone it would be construed as applying only to that particular fiscal year, but I find that in the years 1891, 1892, and 1893 there was a provision for an annual report; that the officers of the institution should report annually to the Secretary of the Interior, and in the year 1892 those words were followed by the statement that the Secretary of the Interior should send in estimates for the next fiscal year. I desire to read the exact words which occur after the use of the words "for maintenance of Howard University," and also providing that part of the money should be paid by the United States and part by voluntary donations. The law of 1892 then reads as follows:

And the proper officers of said university shall report annually to the Secretary of the Interior how the appropriation is expended; and the Secretary of the Interior shall estimate in detail for the next fiscal year the items of expenditure provided for in this paragraph.

Mr. Chairman, I respectfully submit to the Chair that this House would never want to be governed, nor would the Chairman, by the decision which the Chair made without seeing a law which has been overlooked. I submit also that when the law says "annually" it defines the maintenance as being through a course of years and permanent, and not for that particular year, and when, after providing that the officers of the institution shall report annually how the appropriation was expended and that the Secretary of the Interior shall estimate in detail for the next fiscal year the items of expenditure provided for in the paragraph, it is in fact a direction permanently to include this institution in the estimates upon which appropriations are to be made, and therefore construes the words "for the maintenance of Howard University" as though it read "for the maintenance hereafter of Howard University."

I felt it to be my duty to bring this matter immediately to the attention of the committee. I want to say that I am somewhat embarrassed by the absence of the gentleman from Mississippi [Mr. Sisson], whom I do not see in the Chamber at the present time, but when he returns I desire to ask unanimous consent to recur to the items for the purpose of bringing the matter again to the attention of the committee.

Under the leave to extend his remarks, Mr. PARKER of New Jersey submits the following:

The question arises under Rule XXI, clause 2—

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuance of appropriations for such public works and objects as are already in progress.

EDUCATION A PUBLIC WORK.

Argument may justly be made that education is a public object. A national university was urged by Washington. Schools are maintained and aided in all of our appropriation bills. This university is in the District of Columbia, a territory wholly sub-



ject to the jurisdiction of the United States, and any school or college within that District is doing a public work for the benefit of the people of that District and for the country.

Appropriations for that public work may be continued under the second clause of the rule.

The university was incorporated by special act of Congress March 2, 1867. (14 U. S. Stats., p. 438.)

It has done a great public work, not exclusively confined to the colored race, but especially among them, and its benefits are admitted by all.

#### MAINTENANCE IMPLIES CONTINUATION AND IMPROVEMENT.

The appropriation is for maintenance. This very word involves the continuance of previous appropriations.

Maintenance of Howard University means also permanent continuance of that institution. The first meaning of maintenance is "to hold or preserve in any particular state or condition; keep from falling, declining, or ceasing." It does not mean merely to pay expenses.

This appropriation has always included details for tools, book shelving, furniture and fixtures, improvement of grounds and repairs of buildings, and materials and apparatus for laboratories. All these are permanent.

The word "maintenance" is explained by this bill. We have maintenance of the Panama Canal, of the zone, of lights for shipping.

An appropriation to maintain or preserve an institution necessarily involves authority to continue to preserve it, or else it would not be maintained or preserved.

#### ANNUAL APPROPRIATIONS CONTEMPLATE FUTURE.

The act of 1892 (27 Stats., 372, Aug. 5, 1892) expressly provides for the future, as already quoted, that there shall be annual reports and annual estimates in detail for the next fiscal year. The language as to appropriation for maintenance is as follows:

And the proper officials of said university shall report annually to the Secretary of the Interior how the appropriation is expended, and the Secretary of the Interior shall estimate in detail for the next fiscal year the items of expenditure provided for in this paragraph.

If the officials of the university are obliged to report annually how the appropriation is expended, this certainly is a law authorizing such appropriation, and, if on receiving such reports, the Secretary is to estimate in detail for the next fiscal year, the authority to estimate implies the authority to appropriate.

Certainly the word "annually" ought to be as strong as the word "hereafter."

#### PERMANENT REGULATIONS "HEREAFTER."

By the sundry civil appropriation bill of July 1, 1898, there was a proviso that no part of that appropriation should be used for the theological department or be paid until the university should give to the Secretary of the Interior or his agents authority to visit and inspect such university and to control and supervise all the moneys appropriated, and then a permanent regulation is made.

The president and directors of the Howard University shall report to the Secretary of the Interior the condition of the institution on the 1st day of July of each year, embracing therein the number of pupils received and discharged or leaving the same for any cause during the preceding year and the number remaining; also, the branches of knowledge and industry taught and the progress made therein, together with a statement showing the receipts of the institution and from what sources and its disbursements and for what objects. (30 Stats., 624.)

Howard University then became a Government institution, with absolute Government control as to its expenditures; and by the sundry civil appropriation bill of March 3, 1899 (30 Stats., 1101), the magic word "hereafter" is used. It is provided that thereafter no part of the appropriation shall be used for the theological department or be paid until the university should give the Secretary of the Interior or his agents full authority and power to visit and inspect the university and control and supervise the expenditure of all the appropriations.

*Provided*, That hereafter no part of the appropriations made by Congress for the Howard University shall be used, directly or indirectly, for the support of the theological department of said university, nor for the support of any sectarian, denominational, or religious instruction therein: *And provided further*, That no part thereof shall be paid to said university until it shall accord to the Secretary of the Interior, or to his designated agent or agents, authority to visit and inspect such university and to control and supervise the expenditure therein of all moneys paid under said appropriations.

#### CONTROL WAS EXERCISED.

The institution thereupon became thereafter for all time such a public institution of the District of Columbia and absolutely subject to the control of the Secretary of the Interior, so far as appropriations were concerned.

The United States exercised such absolute power. By the sundry civil act of March 3, 1903 (32 Stats., 1113), a new

Freedmen's Hospital building was authorized, the cost to be charged one-half to the District—

*Provided further*, That the trustees of Howard University shall be required to supply all medical and surgical service without cost to the United States or to the District of Columbia.

That requirement certainly treats them as a public institution, and by the sundry civil appropriation bill of April 28, 1904 (33 Stats., 488), a whole block of 11 acres was retroceded to Howard University on condition that they make to the United States a perpetual lease at \$1 a year for the purposes of the Freedmen's Hospital.

**Freedmen's Hospital:** The appropriation of \$50,000 made by the sundry civil appropriation act for the fiscal year 1904 is hereby continued for the fiscal year 1905: *Provided*, That the tract of land lying and being between Sixth and Fourth Streets and between Pomeroy and College Streets, in the city of Washington, D. C., containing approximately 11 acres of ground, be, and the same is hereby, retroceded to Howard University upon the condition that the said Howard University shall make and execute to the United States a perpetual lease for the nominal rental of \$1 per annum, and that upon the execution of such lease to the satisfaction of the Secretary of the Interior said Secretary shall cause to be erected on the ground so retroceded and leased the new hospital for freedmen provided for by the act above referred to. (33 Stats., 488.)

By the act of March 3, 1905 (33 Stats., 1190), all moneys paid by the District for charity patients in the hospital shall go to the Secretary of the Interior.

I have confined myself to the statutes. It is hardly needful to go into the history of Freedmen's legislation, of their pay and bounties which remained in the United States Treasury, of the many committee reports urging that this money should be used for the education of colored youth, or of the good work done by this institution. The theological department has been abandoned; the moneys appropriated goes to manual training, schools in science, law, and medicine, and this last school furnishes the physicians for the Freedmen's Hospital free of cost to the United States. (Book of Estimates for 1916, p. 840.)

The statutes contemplate the maintenance of this great public work in the District, its continuance, and appropriation therefor. The institution itself is made subject to the visitation, inspection, and control of the Secretary of the Interior. In the face of all this, objection has been made there were no statutes authorizing the expenditure in this university and that there was no continuance of appropriation for a public work and object that is already in progress. Stranger still, these statutes are not recited in the Book of Estimates, although they are found in the public Compiled Statutes (p. 1278) and in the supplement (p. 384). Stranger still, this does not seem to be known to any member of the Appropriations Committee; and on this objection the paragraph was allowed to go out by default.

#### DISCONTINUANCE OF APPROPRIATION A GREAT PUBLIC CALAMITY.

It is in a way material to the point of order that the discontinuance of this appropriation would be a great public calamity; it is only such a calamity because it is the discontinuance of a great public work. I print, as an appendix, an editorial in a Washington newspaper of to-day which shows how this matter is regarded by the public:

[From the Washington Times, Saturday, Feb. 13, 1915.]

#### HOWARD UNIVERSITY.

Closing the doors of Howard University, or seriously impairing its work, will mean a serious backward step in the development of the colored race. One or the other of these effects will be the result of the withdrawal of the annual Government allotment of \$101,000 to that institution. Congressman Sisson succeeded in having the House eliminate the item by making a point of order, in the face of open protest of other southern Members.

Howard University has long been criticized for not embarking upon industrial work, similar to that of Tuskegee. Many institutions are now giving such work. Howard is the only institution of its kind in the country affording virtually the same education for the colored students that white academic colleges give white students. Moreover, Howard University has not had the funds to develop its work beyond that outlined when it was founded. But within its present scope it has grown and kept abreast of the times. No one will deny the utility of its splendid medical school, which has sent forth physicians to minister among colored persons, splendidly equipped not only for their professional task but to be leaders among their people.

Congressman SHERLEY, speaking as a southerner, questioned the wisdom of crippling Howard University. He admitted, as will many of its faculty, that an enlargement of its work would be beneficial. But the way to such a growth is not by the withdrawal of Government funds which are practically indispensable to its maintenance.

The National Capital owes a peculiar duty to the colored folk. They are here in large numbers. It was a pointed coincidence that this assault upon the only opportunity afforded here for their higher education should have been made on the birthday of the Emancipator, whose action brought them to Washington in such large numbers. Whatever its limitations in curriculum, no one will deny that Howard University, and the men associated with it, have stood for the progress and betterment of the colored race, and such leaders as Booker T. Washington have frequently testified to its radiating influence among the colored race.

Mr. FITZGERALD. Mr. Chairman, I am in favor of the appropriations for Howard University, but it is contrary to the



practice of the House to grant consent to return to a paragraph taken out of the bill upon a point of order made by a Member unless he is present when the request is made.

Mr. PARKER of New Jersey. That is true. I have not made the request as yet, and I want to reserve the right to make the request when the gentleman from Mississippi returns.

Mr. FITZGERALD. I would not object, and I think the gentleman from Mississippi will be here shortly.

Mr. PARKER of New Jersey. I certainly would like to make the request, but I thought it my duty to bring the matter to the attention of the members of the Committee on Appropriations and to the attention of the Chair as soon as I could, although deferring the making of the request until the gentleman from Mississippi returns to the Chamber may involve repeating something that I have said.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

Mr. MANN. Mr. Chairman, before the Clerk reads, I move to strike out the last word. This is the item for lighthouses and lighthouse establishments, and carries an appropriation of \$2,775,000. Two years ago I helped to pass through Congress a law reorganizing the Lighthouse Service, and it has been said by the department that that law resulted in a saving to the Government of in the neighborhood of a half million dollars a year. A few days ago the House passed a law reorganizing the Life-Saving and Revenue-Cutter Service and called it the Coast Guard Service. When that item of appropriation in reference to the Coast Guard Service came up in the House I stated that, based upon the figures in the bill, the new law would cost the Government \$411,200 more for next year than would have been the case if the reorganization law had not passed. The gentleman from New York corrected me and stated that the exact additional expense by reason of the new law was \$386,228. I find upon examination that we were both in error, and that the figures which I gave were not large enough; and as his figures were less than mine, he was still further away from the correct fact. The increased cost of the Coast Guard Service by reason of the reorganization is \$414,028 for a year, as shown by the estimates.

The appropriation is not increased so much as that, because in making their estimate the department found that it could get along with making use of \$7,800 on account of the dockage of cutters appropriation having been larger than necessary, and they could get along without using \$20,000 of the appropriation under the act of 1882 as amended; but this had nothing to do with the reorganization. The reorganization of the service under the report of the estimates increased the expense by nearly half a million dollars, or \$414,028, and it is an odd circumstance that in making their estimates they make the estimates for clothing allowance as follows: Clothing allowance, 1,997 surfmen, at 45 cents, \$89,865. If the 45 cents were in figures with a decimal point, it would be easy to see how they might make a mistake, but as the cents are written out, it is not possible to understand how they could make a mistake, when they meant \$45. Of course, clothing allowance, 45 cents to a man, would not amount to much.

Mr. FITZGERALD. The gentleman has been discussing the estimates submitted. The committee added to the amount carried in this bill last year, because of the mandatory provision of the Coast Guard bill, \$386,000. If the gentleman can not find the figures in the estimates, I know it was added, because I added it.

Mr. MANN. Well, the gentleman is again mistaken.

Mr. FITZGERALD. No; I am not mistaken.

Mr. MANN. The gentleman added \$326,228; his figures are correct; but the estimates state in language that is explicit, "Summary of additional expense, \$414,028." From this should be deducted, dockage of cutters, \$7,800, and of the items \$70,000 for claims arising under sections 7 and 8 of the act of May 4, 1914, is deducted \$20,000, which would have been unexpended in any event, because the appropriation was too large, and it was included in one lump-sum appropriation. Perhaps the appropriation is only increased by the amount named; but the additional expense of reorganization is nearly half a million dollars, which is quite in contrast with the half a million dollars which was saved by the reorganization of the Lighthouse Service.

The CHAIRMAN. The pro forma amendment of the gentleman will be considered as withdrawn.

The Clerk read as follows:

St. Johnsbury (Vt.) station and Holden (Vt.) auxiliary station: Superintendent, \$1,500; foreman, \$1,200; fish-culturist, \$900; skilled laborer, \$720; four laborers, at \$600 each; in all, \$6,720.

Mr. MARTIN. Mr. Chairman, I move to strike out the last word. I notice that the usual force for an ordinary fish-cultural station throughout the country seems to be a superin-

tendent and a fish-culturist and two or more laborers. I notice that in some of these that in addition to that arrangement there is also a foreman, or, in some instances, two or more foremen, and an engineer. I would like to ask what is the difference in the requirement or system that necessitates a foreman to be appropriated for at some stations and not at others?

Mr. FITZGERALD. It all depends upon the size and character of the operations carried on. Some have small ponds, others have ponds and hatcheries combined. It depends upon the expensive character of the plant.

Mr. MARTIN. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Fish hatchery, Louisville, Ky.: For addition to the Louisville (Ky.) fisheries station, including the construction of buildings and ponds, and for equipment, to be immediately available, \$20,000.

Mr. FOSTER. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee about this increase for fish hatcheries. They were established in the beginning at the amount of \$25,000, and there is an increase I notice in some of them. Is that to enlarge the hatchery over the original intention?

Mr. FITZGERALD. I do not know what the original intention was.

Mr. FOSTER. What was the amount of the first appropriation?

Mr. FITZGERALD. Why, it is to provide these accessories necessary for a hatchery, to make workable and useful the hatchery. This is a combined ponds and hatchery.

Mr. FOSTER. Well, I notice on the next page there is one for Saratoga, Wyo., which is \$18,000 more. Now, what I want to get at is, when we allow the amount of \$25,000 for the establishment of a fish hatchery, is this an increase over the original amount or an enlargement? I mean, is it to complete what was intended to be done in the first instance or to increase the equipment?

Mr. FITZGERALD. When the original appropriation was made there was no limit of cost placed, and there was no limited plan as to what would be done. In the Louisville hatchery the State donated the ground, and the work of establishing a hatchery there was begun. It is estimated that \$30,000 will be required to complete it. This bill carries \$20,000 of the \$30,000. Six thousand dollars is for a hatchery building, \$2,000 for a hatchery equipment, then about \$5,000 for four breeding ponds, and \$7,000 for rearing ponds. This hatchery is so located that they have what is known as the combined hatchery—breeding ponds and hatchery buildings. Without additional facilities the plant can not be utilized in the manner which is desirable and necessary. These plants are not established as the result of some law or some special act, but they are established by items placed on appropriation bills which the House is compelled to accept in lieu of something more indefensible. It comes to a choice of evils, and these fish hatcheries, as they really accomplish some good, are a benefit to people generally, and are accepted in place of something else.

Mr. FOSTER. What I was trying to get at was that these fish hatcheries were established and were supposed to be at a limit of cost.

Mr. FITZGERALD. There never was a limit of cost.

Mr. SHERLEY. If the gentleman really desired information instead of desiring to call attention to the item because I happen to be on the committee, I will say to him that there never has been a hatchery that has been completed for \$25,000, and no hatchery probably can be completed for that amount. And this item is two-thirds of the amount that was estimated by the department. The committee did not feel that it ought to allow the \$30,000 they asked, and therefore cut it to \$20,000. The purpose is to finish the buildings there, so as to have a complete hatchery and have complete breeding ponds for the purpose for which the hatchery was originally established.

Mr. FOSTER. I will say to the gentleman from Kentucky that I did not have a desire to talk about the one at Louisville, Ky., especially; but I wish to know that if the \$25,000 is appropriated, it means the station is to be completed for \$25,000?

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOSTER] has expired.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent for one minute more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his time be extended for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. Or whether that means the beginning and then any amount that Congress sees fit to appropriate in order to complete the station?



Mr. SHERLEY. I can only answer the gentleman by saying that in every instance I now recall the hatcheries have cost over \$25,000 before they were permanently equipped. Many have cost many, many times that, according to the magnitude of them. I think it is well for the House to understand that a fish hatchery can not be completed for \$25,000 if it is to be a hatchery of any magnitude sufficient to warrant its establishment.

Mr. FOSTER. That is the information I desired to have from the committee, so that it might be understood at the time these fish hatcheries are established.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MOORE. Mr. Chairman, I move to strike out the last two words.

I suppose I should not take advantage of the discussion that has just taken place between the gentleman from Kentucky [Mr. SHERLEY] and the gentleman from Illinois [Mr. FOSTER] with respect to the membership of one or the other of them upon any important committee of the House. I think any member of a committee has as much right to have his bills considered as any other member, and that we should all stand for equal rights in matters of that kind. Of course there should be no special privileges to anyone because he happens to be a member of a powerful committee.

But what interests me with respect to these fish-hatchery items is that whereas allowances are made for additions to plants, in that other very important work of making additions to buildings at arsenals, where the business of the Government is being carried on and where there is very great congestion both as to space for machinery and as to the labor facilities for the men and women who are employed there, it is very difficult—in fact, it is sometimes contrary to the policy of some large committees, like the Committee on Appropriations—to make any allowances at all. While in such cases there seems to be very great impropriety in coming in and asking for any additions or extensions which involve economy and a Government saving by reason of the waste resulting from inadequate facilities, the situation is different when it comes to fish hatcheries. Now, it may be more important to erect and to extend fish hatcheries for the purpose of propagating fish than it is to safeguard the lives of the Government's employees in the arsenals. I dispute the proposition, but the inference is drawn from the manner in which these appropriations are made. Probably \$75,000 is allotted here to various fish hatcheries for the purpose of making additions and extensions. That \$75,000 is intended to pay the salaries of men who are employed at these stations and to erect buildings in order that there may be more spawn and more fish on inland streams. It is all very well; we want the fish; but why should we not have erected certain very important additions to arsenals in certain sections of the country where there is sore need for more working space in order to safeguard the lives of the men and women who are employed in doing the business of the Government?

Apart from that, Mr. Chairman, it is interesting to note that while it is difficult to secure appropriations for these very needful purposes of the Government at the arsenals, we are able to make appropriations for additions and extensions at the hatcheries at a time when we might economize and thus save the administration from the pain of making up a deficit. It is also worth noting that while we can not spend money to safeguard lives and protect the property of the Government at the arsenals we are able to find money not only for the hatcheries but for the purpose of installing a cold-storage plant, apparently to preserve the fish, or fur seals, or something of that kind, in Alaska and on the Pribilof Islands. Now, this is a good thing to remember, when, in the heat and stress of a blistering summer's sun, men and women are forced to stand in the open in an arsenal and do the dangerous work of preparing the implements of war to protect the Government and at the daily risk of being blown into eternity, a part of the money that is being appropriated for hatcheries would give the arsenal workers the necessary relief and put the Government on a par with private employers in the treatment of faithful employees. I would not "carry coals to Newcastle" nor deny cold storage to Alaska. Perhaps they need it up there, but cold storage at Government expense in Alaska to preserve the fish or possibly our fur-seal skins ought not to prejudice the necessary buildings in our arsenals that would give the Federal employees proper protection against the dangers that beset them in their work.

Mr. SHERLEY. Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE] has just given an exhibition of as unfair and as ignorant a statement as to the facts as it is possible for any human being to give. It is unfair, because he

undertakes to impute motives that he would resent if they were imputed to him and which he would not actually stand for and does not seriously mean to imply now. It is ignorant, because it shows a total lack of appreciation of the facts as they exist.

There never has been any disposition on the part of the Committee on Appropriations to deal unfairly with the arsenals of America, but not even the Treasury of the United States could keep pace with the appetite of the gentleman from Pennsylvania, and whenever he is not placated to the extent of 100 per cent of his demands he feels it in order to say something about the motives of other men. He also undertakes to get facetious about an ice plant in Alaska, and talks about the absurd waste of money for such a purpose when men's health and lives are in need or in peril in Philadelphia.

Now, if he had read the RECORD and knew anything about what he was talking about, he would know that the ice plant was for the purpose of preserving food for the people of Alaska, and that it was an absolute necessity for the health of the people there; and instead of its being one of these extravagant wastes that he facetiously talks about, it was just in the interest of humanity and life that the gentleman pretends such a solicitude about. Now, touching the Louisville fish hatchery, I am glad to say this—and I am glad that the gentleman's speech has afforded me an opportunity to say it—that I have been for 12 years a Member of the House, and I have been a member of the Committee on Appropriations for more than half that time, and no instance can be found where I have in any way sought to use my committee position for the special benefit of my district or against any Member or any district. There was put into the sundry civil bill while the Republicans were in control, as the result of a provision inserted in the Senate and concurred in by the House, an item for a hatchery at Louisville, Ky. There was appropriated \$25,000 for it. The State of Kentucky gave the land for the hatchery adjoining the State fair grounds, and it is situated just outside the city of Louisville, with ample rail and river facilities, and the city of Louisville has recently built a boulevard around the city that passes through the edge of this property. It is so situated that it will supply conveniently and properly a very large area of the country.

I do not believe that because I happen to be a member of the committee any favor should be shown to this hatchery. On the other hand, I do not believe there should be any discrimination against it or that there is any reason for an attack upon the item because I happen to be a member of that committee. The committee, in considering all the items which go to make up the sundry civil bill, carrying over \$100,000,000, of necessity have to reject some and grant others. It is very easy for gentlemen to pick some item that they are not in sympathy with or which they do not think is important and then contrast it with some item that they are concerned in, and undertake to reflect thereby upon the judgment and the motives of the members of the committee. I am always willing and glad to have the action of the Committee on Appropriations reviewed by the House, and the gentleman from Pennsylvania ought to be the last man in the House to make complaint. It so happens that I have been responsible for a greater enlargement of the arsenals of the United States and of the work that is done in the arsenals than any other man in Congress in the last five years, and I have shown no disposition to discriminate. But I repeat that not even the Treasury of the United States is able to keep pace with the appetite of the gentleman from Pennsylvania.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Fur-seal islands, Alaska, cold-storage plant: For purchase and installation of a cold-storage plant on the Pribil Islands, to be immediately available, \$3,000.

Mr. MANN. Mr. Chairman, is that word "Pribilof" Islands spelled correctly there?

The CHAIRMAN. No. Without objection, the correction will be made.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

#### BUREAU OF STANDARDS.

Testing of large scales: For investigation and testing of railroad track scales, elevator scales, and other scales used in weighing commodities for interstate shipments and to secure equipment and assistance for testing the scales used by the Government in its transactions with the public, such as post office, navy yard, and customhouse scales, including personal services in the District of Columbia and in the field, \$40,000.

Mr. MOORE. Mr. Chairman, I move to strike out the last word.



The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE. Mr. Chairman, while I made no direct reference to the gentleman from Kentucky [Mr. SHERLEY] nor to the Louisville item, so far as I recall, and had no intent to strike out the item, I did have in mind calling the attention of the committee to the fact that economy might be exercised on fishery projects, just as it is exercised upon arsenal projects.

It seems to me the comparison was fair and should not have evoked any special criticism from a member of the Committee on Appropriations. I have the highest respect for the gentleman from Kentucky, holding him to be one of the very ablest and best Members of this House. But he is human, like all other Members of this body, and he stands forcefully and heroically for those projects in which the people of his community are interested. He would be untrue to them if it were not so, and he ought to be thankful to me for having drawn attention to the hatchery matter, which has given him the opportunity to make one of the finest speeches of his career, a speech which was fired with the spirit of economy and a desire to serve the public weal. He did use the word "ignorant" in a manner that might have been regarded as offensive by one who does not love him as much as I do, but I take no exception to that, knowing how little he meant to apply that term to me, and knowing that when he comes to think it over and kneels him down by the side of his little bed to-night to ask forgiveness of his Creator for all his sins he will take it back. I think I know him well enough to say that I do not misjudge him in that regard.

However, Mr. Chairman, while we are discussing the matter of economy, desiring to save money by not erecting too many additions to arsenals and not maintaining the same policy toward the hatcheries, it seems to me we might call attention to one or two of these duplications of Government work that crop up occasionally in a bill of this kind. Here we have the Bureau of Standards, with an appropriation of \$40,000 for the investigation and testing of railroad track scales, elevator scales, and certain other things.

In this connection it seems to me that the Bureau of Standards, a very important branch of the Government service, has been neglected, so far as its usefulness is concerned. The large committees of the House have not observed its usefulness with that care which they apply to appropriations intended to develop arsenals and to safeguard the lives of those who are employed therein.

What is the purpose of the Bureau of Standards? It is to do the work of ascertaining weights, measures, values, fixing standards, and so forth, for which we are constantly making appropriations to other departments, as, for instance, with respect to cotton and grain. We make separate appropriations to test, and fix standards for cotton and for grain. If we are going to economize, why have three or four branches of the Government service to do this one line of work? The Bureau of Standards was intended for that purpose. In the bill making appropriations to the Department of Agriculture, which passed the House a couple of weeks ago, we added to the general confusion on this subject. We provided a \$5,000 appropriation to test and establish standards for naval stores. Now, when we are economizing with regard to fish hatcheries, and particularly with regard to the arsenals of the country, why do we not also economize with respect to the Bureau of Standards and draw in some of these various and extraneous avenues of employment for Government officials and concentrate the work where it ought to be, with the Bureau of Standards?

I do not know whether I will get a rise out of the gentleman from Kentucky for making this inquiry or not.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. KNOX having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 17168. An act to authorize the North Alabama Traction Co., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near Decatur, Ala.

The message also announced that the Senate had agreed to the reports of the committees of conferences on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 19545. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 20562. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain

widows and dependent children of soldiers and sailors of said war.

#### SUNDY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

#### DEPARTMENT OF LABOR.

##### IMMIGRATION SERVICE.

For enforcement of the laws regulating immigration of aliens into the United States, including the contract-labor laws; cost of the reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner General of Immigration; salaries and expenses of all officers, clerks, and employees appointed to enforce said laws, including per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914; enforcement of the provisions of the act of February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States," and acts amendatory thereof; necessary supplies, including exchange of typewriting machines, alterations, and repairs, and for all other expenses authorized by said act; preventing the unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto; expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation; refunding of head tax upon presentation of evidence showing conclusively that collection was made through error of Government officers; and including not exceeding \$2,000 for operation, maintenance, and repair of motor-propelled passenger-carrying vehicles; all to be expended under the direction of the Secretary of Labor, \$2,450,000.

Mr. MOORE. Mr. Chairman, I move to strike out the last word. The Committee on Immigration and Naturalization frequently has before it questions relating to the deportation of Chinese who are unlawfully in this country. Here is an appropriation of \$2,450,000 for the general purposes of the Immigration Service, which include—

preventing the unlawful entry of Chinese into the United States by the appointment of suitable officers to enforce the laws in relation thereto; expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation.

It would appear from that, and from the general powers conferred upon the Department of Labor and the Immigration Service, that about all the department desires for the treatment of the Chinese in the United States, including their immigration hither and their deportation from this country, is provided for; that is to say, we make an appropriation equal to all their requirements, or all their demands, and to cover this specific service.

Complaints are constantly made to the committee with respect to Chinese, and a number of bills are now under consideration looking to the further deportation of Chinese, to the registration of such Chinese as are in the country, and to the broader question of exclusion. There are some who would like to exclude all Chinese absolutely from the United States. But it would seem, as I say, that in appropriating \$2,450,000 we appropriate about all the money that the Department of Labor desires for the purpose of dealing with this question. Yet in the act approved August 23, 1912, to create the Commission on Industrial Relations, which came to this House for an appropriation a few days ago, we find that a part of its province—I will not say its duties, because it was without any particular responsibility, but a part of the work which it has taken to itself—was to inquire into the scope, methods, and resources of existing bureaus of labor and into possible ways of increasing their usefulness; into the question of—

smuggling or other illegal entry of Asiatics into the United States or its insular possessions, and of the methods by which such Asiatics have gained and are gaining said admission, and shall report to Congress as speedily as possible, with such recommendations as said commission may think proper to prevent such smuggling and illegal entry.

With respect to the Bureau of Standards, a moment ago I raised a question as to the duplication of Government work and the duplication of expenditure for Government work in these times of economy. It would appear that we have just appropriated \$100,000 for the Industrial Relations Commission to do the exact work that has already been conferred upon the Department of Labor in the Immigration Service. It may be that the Industrial Relations Commission will stir up something or learn of some conditions somewhere of which the Department of Labor itself does not have knowledge. But so far as all we know in the Committee on Immigration and Naturalization, the Department of Labor is as fully informed upon this subject of the Chinese, and the existing Immigration Service is as fully informed as if there were a thousand industrial relations commissions going over the country at the expense of \$500,000 for three years. The Department of Labor is in charge of this work, and yet we are called upon to make an additional appropriation of \$100,000 to give a handful of men the opportunity to travel over this country, making an investigation at the public



expense of questions upon which the Government officials are already fully informed. While we are discussing economy, it would seem that we might also consider this palpable duplication of public work.

Mr. SMITH of Minnesota. Mr. Chairman, I move to strike out the last word. I wish to inquire of the gentleman in charge of the bill why it is that they have not given the department the amount of money asked for for this service? I notice that last year the department used \$2,649,500, and that the appropriation this year is \$2,450,000. I would like to know why there is less appropriated this year than last?

Mr. FITZGERALD. The department will not expend within \$300,000 of the appropriation this year, and there is no prospect that conditions will so change in the next year that there will be any larger immigration. The European war has curtailed immigration to this country to such an extent that the department is furloughing its employees in very large numbers, and the committee were of the opinion that there was no prospect that there would be any change in the next year, and so the recommendation was reduced about \$200,000. That gives them a margin of \$100,000.

Mr. SMITH of Minnesota. Is it not true that on our northern and southern borders a larger force is required to keep immigrants out than there was last year?

Mr. FITZGERALD. They are using more persons there, but even under these circumstances they will not expend within \$300,000 of the amount of the appropriation, and the committee recommends \$200,000 less than last year, so that leaves them a leeway of \$100,000.

Mr. SMITH of Minnesota. Is it intended to abolish the immigration stations?

Mr. FITZGERALD. Oh, no; but the number of immigrants determines to a considerable extent the size of the force. For instance, at New York the number of immigrants arriving has fallen off to practically nothing, so that the large force over there is being discharged or detailed in other places because they can not use all the employees. It is caused by existing conditions. If the conditions should change and there should be a large influx of immigrants, the department would have to have more money, and the committee would be prepared to give it to them.

Mr. SMITH of Minnesota. As I understand, the record shows that there are 60 to 70 per cent less immigrants coming in since the war began.

Mr. FITZGERALD. The falling off is very large.

Mr. SMITH of Minnesota. But that does not interfere with the Naturalization Bureau?

Mr. FITZGERALD. No; we have increased the appropriation for naturalization \$25,000.

Mr. SMITH of Minnesota. The committee is of the opinion that the Naturalization Bureau should be given sufficient money so that they can do the work thoroughly?

Mr. FITZGERALD. Yes; we did not give all that they asked for, but we have given an increase of \$25,000, which is an increase of 10 per cent.

Mr. SMITH of Minnesota. An increase over the amount given last year?

Mr. FITZGERALD. Yes; and every year we have given an increase for that work.

Mr. SMITH of Minnesota. Recognizing that it is a valuable work?

Mr. FITZGERALD. Yes; within reason such appropriations made as will enable them to be continued properly.

Mr. SMITH of Minnesota. Mr. Chairman, if my time has not expired, I would like to have the letter which I send to the Clerk's desk read in my time.

The CHAIRMAN. Without objection, the letter will be read. There was no objection.

The letter is as follows:

MINNEAPOLIS, MINN., February 9, 1915.

Hon. GEORGE R. SMITH,  
Washington, D. C.

MY DEAR JUDGE: As you know, I am not in the habit of writing letters to Congressmen regarding pending legislation, but I want to make an exception this time in respect to the present naturalization service established by Congress June 29, 1906. This service is a wonderful improvement from what it was under the old law and is getting more valuable every day. Applicants for citizenship are commencing to realize that the privilege of being an American citizen means something.

The service in Minnesota, under the direction of Mr. Robert S. Coleman, chief naturalization examiner, St. Paul, is extremely efficient and should by all means be continued.

I have been informed that in the sundry civil appropriation bill the committee in Congress has seen fit to cut the appropriation from that requested by the department and that this matter will be up for action in the House during the present week. I have been credibly informed that the request for the appropriation was cut to the bone by the department under direction of President Wilson and that any further cut, such as is contemplated by the committee, will interfere seriously

with the service now instituted. I hope you can agree with this view and that you will be able to give us your help in seeing that the efficiency of this valuable department of the Government is not crippled for lack of funds. Citizenship is beginning to mean something more than it did years ago, when they were herded in at campaign time and rushed through at the expense of some campaign committee, and I feel that any attempt to cripple the department at this time can only be a step backward.

Yours, sincerely,

P. S. NEILSON.

Mr. FITZGERALD. Mr. Chairman, of course that letter was written at the instance of somebody in the Bureau of Naturalization. The man that wrote it does not know what is going on and does not know what he is talking about. Whoever sent it ought to be censured.

Mr. SMITH of Minnesota. It was not sent from the department. It was sent by the clerk of the district court in Minneapolis.

Mr. FITZGERALD. Yes; but the department wrote out there asking him to send the letter. They ought to stop it, and they ought to mind their own business. The gentleman says that he is reliably informed that the request for the appropriation was cut to the bone. He gets his information from the Bureau of Naturalization, who wanted to get more money than they ought to have. Instead of the estimate being cut to the bone, we gave them 10 per cent more than they had last year.

Mr. J. M. C. SMITH. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. J. M. C. SMITH. Can the gentleman tell us how many Chinese were deported last year?

Mr. FITZGERALD. I shall have to look that up.

Mr. J. M. C. SMITH. How much was the cost of deporting them last year?

Mr. FITZGERALD. I shall have to look that up also.

Mr. J. M. C. SMITH. Perhaps the gentleman can tell us, when Chinese come across the line from Mexico or Canada, are they merely sent back into those countries or are they sent back to China?

Mr. FITZGERALD. They must be sent back to the country from which they came.

Mr. J. M. C. SMITH. Sent back to Canada or Mexico. Suppose some steamship company brings them into the country, is there not a law compelling the steamship company to deport them, to take them back without expense to the Government?

Mr. FITZGERALD. Yes. They are compelled to take them back at their own expense and also to reimburse the Government for the cost of subsistence while in the custody of the Government.

Mr. J. M. C. SMITH. What was the sum used for the deportation of Chinese?

Mr. FITZGERALD. This is a consolidated appropriation. Some years ago we segregated the appropriation for Chinese exclusion, but a controversy arose because the entire fund was not expended every year. Then the Immigration Service requested Congress to consolidate the \$500,000 for Chinese exclusion with the general appropriation. They said that frequently an immigration inspector at some particular place could very readily be assigned to a Chinese case, whereas if we maintained a force exclusively for Chinese exclusion, it did not permit as effective a force as if the force could be used for that purpose, and for that reason the Chinese exclusion service was consolidated with the general appropriation, so that the department can use all the employees that are necessary under this appropriation for Chinese work.

Mr. J. M. C. SMITH. Is the immigration from China increasing or diminishing?

Mr. FITZGERALD. There is very little Chinese immigration except those smuggled in. That is a profitable business, for it is worth \$500 to \$1,000 to smuggle a Chinaman into the country, and that is as good as gold bricks.

The Clerk read as follows:

#### NATURALIZATION SERVICE.

For compensation, to be fixed by the Secretary of Labor, of examiners, interpreters, clerks, and stenographers, for the purpose of carrying on the work of the Bureau of Naturalization, provided for by the act approved June 29, 1906, as amended by the act approved March 4, 1913 (Stats. L., vol. 37, p. 736), and for their actual necessary traveling expenses while absent from their official stations, including street car fare on official business at official stations, together with per diem in lieu of subsistence, when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, and for such per diem, together with actual necessary traveling expenses of officers and employees of the Bureau of Naturalization in Washington while absent on official duty outside of the District of Columbia; telegrams, verifications of legal papers, telephone service in offices outside of the District of Columbia; not to exceed \$5,300 for rent of offices outside of the District of Columbia where suitable quarters can not be obtained in public buildings; carrying into effect section 13 of the act of June 29, 1906 (34 Stats., p. 600), as amended by the act approved June 25, 1910, including an allowance to the clerk of the supreme court for Bronx County, N. Y., for clerical assistance, to be made in the discretion of the Secretary of Labor for the fiscal year 1915; the expenditures from this appropriation shall be made in the manner and under such regulations as the Secretary of Labor may prescribe, \$275,000.



Mr. FITZGERALD. Mr. Chairman, I move to strike all of the language after the word "ten," in line 12, page 151, down to the end of line 15.

The Clerk read as follows:

Amend, page 151, by striking out all after the word "ten," in line 12, down to and including line 15.

Mr. FITZGERALD. That language was inserted last year because a whole year had not elapsed and no allowance could be made for the county of Bronx, but it will not be necessary to continue it any longer.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. MOORE. What is the condition in Bronx County now with regard to naturalization?

Mr. FITZGERALD. Bronx County was created only last year—on the 1st of January.

Mr. CALDER. The 1st of January, 1914.

Mr. FITZGERALD. The allowances to clerks of courts are based upon the receipts for the previous year, and it would have been impossible for the department to make a proper allowance on the half year's business, so that to enable the department to make a proper allowance for the current year this authority was given in the current law, but for next year they will have a whole year's work on which to make the calculation.

Mr. MOORE. In view of what the gentleman said a moment ago about the letter that was handed up by the gentleman from Minnesota [Mr. SMITH], I think it is fair to say that the Bureau of Naturalization has been very busy this past year.

Mr. FITZGERALD. That is true; but those letters are stimulated by the bureau, and the bureau should not do it.

Mr. MOORE. That may be; but they have taken a very deep interest in their work, and I think it is fair to say that.

Mr. FITZGERALD. That is all very well; but I am opposed to, and I condemn whenever it comes to my observation, the action of officials in the departments of the Government at Washington in sending letters to persons throughout the country to get them to write to Members of Congress to try and induce them to increase appropriations, making statements about the action of the Committee on Appropriations which are not true.

Mr. MOORE. I think the gentleman takes a proper committee stand on that question.

Mr. FITZGERALD. As a matter of fact, in 1910, \$125,000 was appropriated for this service; in 1911, \$150,000; in 1912, \$175,000; in 1913, \$200,000; in 1914, \$225,000; in 1915, \$250,000; and for the next year, \$275,000. Because the committee did not recommend \$307,000 instead of \$275,000 these letters have been sent out. If these clerks who are sending this information or misinformation to the clerks of the various courts throughout the country devoted their time to the work of the bureau, they would not be behind.

Mr. MOORE. As to Bronx County, I understand the congestion there is over. Is that the situation?

Mr. FITZGERALD. No. They will make an allowance for clerk hire up there right along.

Mr. MOORE. If the limit is reached, then the question of additional help would come up?

Mr. FITZGERALD. They can allow up to only 50 per cent of their receipts.

Mr. MOORE. I understand; on a basis of \$5,000.

Mr. FITZGERALD. Fifty per cent.

Mr. CALDER. Fifty per cent of their total receipts for the preceding year.

Mr. FITZGERALD. Yes.

Mr. MOORE. And the limit of salary taken from fees is \$3,000, I think.

Mr. FITZGERALD. Formerly the clerk got a certain amount for himself.

Mr. CALDER. The clerk can now retain for himself one-half of the first \$6,000. That makes \$3,000 for the clerk.

Mr. FITZGERALD. The bureau makes them expend a certain amount of that for clerical service, and does not allow anything.

Mr. CALDER. Does not allow any more.

Mr. MOORE. That is the clerk of the Federal court?

Mr. FITZGERALD. The clerks of the State courts.

Mr. MOORE. There was a reason for putting this provision in the bill last year; and if I recall, it was that the clerk of the court in Bronx County—

Mr. FITZGERALD. The reason last year was this. The allowance is made on the receipts for the preceding fiscal year. Bronx County was created on the 1st of January, 1914, so that the allowance that could have been made for 1914 would have been based on the receipts for six months, and from the amount of work that was being done there, it would not enable the bureau to give as much assistance as it was believed was neces-

sary, so that this permission was granted the bureau to give a larger allowance for this year than one-half of the receipts of the previous year, because those receipts were based upon a six-months' business.

Mr. MOORE. The whole question, then, is relegated to the department, so far as additional help is concerned?

Mr. FITZGERALD. Bronx County will now be in the same situation as any other county.

Mr. MOORE. The gentleman understands, of course, that in view of the renewed interest in naturalization, and the activity of the bureau, it would be necessary to make other provisions of this kind if we were to continue it with regard to Bronx County. I am seeking information along that line.

Mr. FITZGERALD. Bronx County will get an allowance, under the law, the same as New York County or Kings County or Queens County.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the last word in line 17 be spelled correctly. The word "Labor" is spelled "Labro."

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The Clerk read as follows:

For fuel, oil, and cotton waste, and advertising for the power plant which furnishes heat and light for the Capitol and congressional buildings, \$82,924. This and the foregoing appropriations shall be expended by the Superintendent of the Capitol Building and Grounds under the supervision and direction of the commission in control of the House Office Building, appointed under the act approved March 4, 1907, and without reference to section 4 of the act approved June 17, 1910, concerning purchases for executive departments.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment as a new paragraph.

The Clerk read as follows:

On page 153, after line 18, insert a new paragraph as follows: "Panama-Pacific International Exposition. The appropriation of \$30,000 made in the sundry civil appropriation act for the fiscal year 1915 for the copyright and patent branch office at the Panama-Pacific International Exposition is continued and made available for expenditure during the first half of the fiscal year 1916."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

GOVERNMENT PRINTING OFFICE.  
PUBLIC PRINTING AND BINDING.

Office of Public Printer: Public Printer, \$5,500; purchasing agent, \$3,600; chief clerk, \$2,500; accountant, \$2,500; assistant purchasing agent, \$2,500; cashier and paymaster, \$2,500; clerk in charge of CONGRESSIONAL RECORD at the Capitol, \$2,500; private secretary, \$2,500 (now being paid from "Printing and binding"); assistant accountant, \$2,250; chief timekeeper, \$2,000; paying teller, \$2,000; clerks—2 at \$2,000 each, 7 of class 4, 13 of class 3, 8 of class 2, 5 of class 1, 10 at \$1,000 each, 14 at \$900 each, 1 \$840; paymaster's guard, \$1,000; doorkeepers—chief \$1,200, 1 \$1,200, 6 assistants at \$1,000 each; messengers—2 at \$840 each; delivery men—chief \$1,200, 5 at \$950 each; telephone switchboard operator, \$720; 3 assistant telephone switchboard operators, at \$600 each; 6 messenger boys, at \$420 each; in all, \$130,460.

Mr. HINEBAUGH. Mr. Chairman, the bill making appropriations for the sundry civil expenses of the Government carries in its appropriation for the Department of Justice an item of \$300,000 for the enforcement of the antitrust laws, the total amount appropriated for the department for 1915 being \$1,229,580.

The farmers and stock raisers of Illinois and Iowa and other States are interested in knowing what use the Attorney General will make of this item of \$300,000, which is appropriated for the purpose of enabling him to enforce the antitrust laws.

That the antitrust laws have been and are now being violated shamelessly by the men who control the live-stock markets has been amply shown by the gentleman from Iowa [Mr. Good] and other Members of this House.

On the 29th of January the gentleman from Minnesota [Mr. ANDERSON] introduced the following resolution:

Resolution 715.

Whereas the foreign and domestic price of fresh beef and pork has been advancing during the past six months; and  
Whereas such advance would naturally warrant an increase in the price paid for fat cattle and hogs at the stockyards of the country; and  
Whereas the domestic price of wheat and other cereals, the sale of which is not controlled by powerful interests in this country, has advanced to the farmer in proportion to the advanced price commanded therefor in our home and foreign markets; and  
Whereas the average price of fat cattle at the various live-stock markets in the United States has declined more than \$1.20 per hundred during the past six months, and the price of fat hogs at such markets during that period has declined more than \$2.20 per hundred, and to a point where the actual cost to our farmers and stock raisers to produce fat cattle and hogs, considering the present price of corn, is in excess of the present market price of fat cattle and hogs at the principal live-stock markets of the United States; and



Whereas there has been no overproduction of cattle or hogs during the past year, nor has there been during the past six months an oversupply offered for sale at the principal stock markets of the United States; and

Whereas it is perfectly evident to anyone familiar with the situation that such live-stock markets are being manipulated and controlled by some powerful interests that are able to depress the price of fat cattle and hogs, and at the same time increase the price of pork and beef to the consumers; that said unwarrantable, unreasonable, and unconscionable depression of such prices can only be effected by an unlawful agreement or practice in restraint of trade in the live-stock industry: Now, therefore, be it

*Resolved*, That the Attorney General of the United States be instructed to immediately make a thorough investigation of the causes for the unreasonable depression in the price of fat cattle and hogs at the principal stock markets in the United States during the past six months, and that the Attorney General further report to Congress what action has been taken, if any, by the Department of Justice of the United States to secure the conviction of any person or persons for the violation of the antitrust laws of the United States in effecting any depression in the price paid to our farmers and cattle raisers for fat cattle and hogs sold at the principal stock markets of the United States, and if the Attorney General shall find that there has been no violation of the Federal antitrust laws in depressing the price of fat cattle and hogs in such markets, that he report to Congress what additional legislation, in his opinion, is necessary to prevent the recurrence of the intolerable condition herein referred to.

This resolution calls upon the Attorney General to immediately make a thorough investigation of the causes of the unreasonable depression in the price of fat cattle and hogs in the principal stock markets of the country while the price of the finished product, fresh beef and pork, is steadily advancing to the consumer.

This administration has the opportunity of its life to prove that it means business in the enforcement of the laws to punish men for price fixing and illegal combinations, organized for the purpose of controlling the price of food supplies.

On January 1, 1914, the farmers of Illinois owned 1,017,000 milch cows valued at \$59,189,000 and 1,216,000 other cattle valued at \$43,654,000, or a total of 2,233,000 head valued at \$102,843,000. Illinois farmers also owned at that time 4,358,000 head of hogs valued at \$47,066,000.

Since the first of December the farmers of Illinois have suffered approximately 48 per cent of the total loss of the Nation on account of the foot-and-mouth disease. Surely, under these conditions they should be entitled to the protection of their Government against unlawful manipulation of the prices of their stock.

The farmers of Illinois feed approximately 85 per cent of their corn to their stock in maturing it. They must therefore look to the profits on stock sold for whatever earnings are to accrue. The answer does not lie in the statement that Illinois farmers should sell their corn and stop growing stock. The Department of Agriculture's table of corn cost shows that the price paid for fat cattle and hogs in Illinois does not cover the corn cost of their production, and yet fresh meats are sailing skyward.

Good farms in Illinois sell for \$200 per acre or \$32,000 for 160 acres. Add to this at least \$3,000 for teams, stock, and farm machinery—making a total of \$35,000—the interest on this amount at 5 per cent is \$1,750. In addition to that the farmer must pay his running and living expenses. How much money will he have left to pay on his principal indebtedness?

The large sum of money required for the purchase of a farm in Illinois and the slight prospect of ever obtaining it is very discouraging to the average farm boy.

I submit, Mr. Chairman, the farmers of my State and of the Nation are entitled to the active and most energetic service of the department in bringing to justice the financial manipulators responsible for the outrage now being perpetrated against them.

There are 6,000,000 heads of families engaged in the farming business—representing approximately 30,000,000 people, or nearly one-third of our population. They are the food and wealth producers of the Nation and should not be dependent upon or subjected to the criminal operations of a class of men who manipulate the stock markets and food supply for personal gain.

Let this administration show its good faith by running down and driving out of existence this gang of high pirates who choose to add to their dishonest millions more dishonest dollars at the expense of the consumers and producers of the country.

The farmers of Illinois tried to kill the Grain Elevator Trust that for many years controlled the price of grain by going into the elevator business.

Farmers should be entitled to the fair profits on their grain and stock which legitimate demand and supply will create, unhampered by men who desire to grow rich by unlawful price juggling.

On March 3, 1914, in the hearing which was held before the Rules Committee of the House on grain exchanges, a Mr. Drake testified that the grain gamblers of the Minneapolis exchange

could depress the market one-half cent by sending in selling orders for 50,000 bushels of wheat, and that the whole amount of the future transactions of these men totaled the enormous sum of \$10,000,000,000 each year. In other words, for every bushel of real wheat more than 50 bushels of phantom wheat was sold, and every bushel of future grain sold tended to fix the price received for cash grain.

On page 159 of the hearings above referred to appears the statement that the Board of Trade of Chicago practically controls the Illinois Legislature and the Illinois courts, and that the farmers and shippers of Illinois are powerless. On page 78 of the hearings a written statement by Mr. Greeley was submitted to the committee, which, among other things, contains this language:

Is it to be believed that Congress will not continue to discuss legislation hostile to so-called "legitimate speculation," when the Chicago public warehouse monopoly stands equipped with a passive governor, attorney general, State attorney, railroad and warehouse commission, board of trade directory, board of trade membership, board of trade clearing house, Illinois inspection department, warehouse receipts, possibly free elevators and banking assistance, with an army of so termed "suckers" furnished by an endless system of private wires and black-board quotations, together with millions of grain raisers scattered in almost every town and hamlet in the country from which to secure dividends? Is any Congress free from censure which will not try to land such a conspiracy in restraint of trade, and will it not be justified in placing such conspirators behind the bars if the commerce so affected is interstate? Is trade in cash grain to suffer because of the lack of honest efforts to eliminate rascality?

Mr. Chairman, in my judgment, this language might well be applied to the men who are now controlling, regardless of the law of supply and demand, the live-stock markets of the country by reason of their vicious and unlawful manipulation of prices. The consumer is required to pay ever-advancing prices for fresh meats, while the farmers and producers are required to sell in a market which does not reflect a proportionate advance.

Who says that fat hogs on February 3, 1914, shall be \$8.55 per hundred and on February 2, 1915, \$6.85 per hundred in the Chicago market? Who sets the price for this live stock? Does the farmer? Indeed, he does not. The price, as every farmer knows, is fixed by these men who control the live-stock markets of the country, acting in concert and overriding the economic law of supply and demand.

The corn crop of Illinois for the year 1913 was, in round numbers, 282,000,000 bushels. The 1914 crop of the State of Illinois is estimated, in round numbers, at 300,000,000 bushels. The price of the corn which Illinois farmers fed their stock in 1914 was 66 cents on the Chicago market, whereas cash corn on the Chicago market in February, 1915, sold at 79½ cents a bushel, making a difference of 13½ cents a bushel on every bushel of corn fed by Illinois farmers in maturing their cattle and hogs.

It does not require an expert mathematician to demonstrate that Illinois farmers who feed their corn to cattle and hogs have lost many millions of dollars by so doing.

In February, 1914, an Illinois farmer received 66 cents a bushel for his corn in the Chicago market and \$8.55 per hundred for his hogs. In February, 1915, the same Illinois farmer could get 79½ cents for his corn and only \$6.85 per hundred for his hogs, while at the same time good native steer carcasses and dressed hogs were selling to the consumer at a cent and a half a pound more than they were a year ago.

I submit, Mr. Chairman, that the Anderson resolution should be adopted forthwith by this House and the Attorney General instructed to investigate the live-stock markets of the country and prosecute criminally all offenders against the antitrust laws.

Mr. BARNHART. Mr. Chairman, I move to strike out the last two words, in order to ask a question. I would like to ask the chairman of the committee what provision is made for the medical director at the Government Printing Office?

Mr. FITZGERALD. He is paid out of a lump appropriation.

Mr. BARNHART. Now, Mr. Chairman, I desire to offer an amendment, in line 21, page 153, after the word "Printer," to strike out the figures "\$5,500" and insert instead "\$6,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 153, line 21, strike out "\$5,500" and insert "\$6,000."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order.

Mr. GILLET. Mr. Chairman, I make a point of order.

Mr. BARNHART. Will the gentleman please reserve the point of order for just a moment?

Mr. GILLET. All right; I withdraw my point of order temporarily.

Mr. BARNHART. Mr. Chairman, after much investigation and extensive hearings the Committee on Printing and the Joint Committee on Printing unanimously decided that it would be



well to increase the salary of the Government Printer from \$5,500 to \$6,000 and to reduce the salary of the Deputy Public Printer from \$4,500 to \$4,000. That would harmonize exactly with the salaries paid in the Bureau of Engraving and Printing. It seemed to the committee which had these hearings and which went into the investigation that a readjustment of those salaries was necessary. The salary of the Deputy Public Printer was increased from \$3,600 to \$4,500 some years ago, when there was a series of disturbances in the Government Printing Office, whereby, as I recall, there were about four different Public Printers appointed and discharged within the period of some 16 or 17 months. The Deputy Public Printer must necessarily be a man of considerable accomplishment; and yet, Mr. Chairman, his salary is so much more than other deputies in offices of the Government, and the salary of the Government Printer is so much lower than the salaries of other Government officials with like responsibilities, that the new printing bill, which passed this House without a dissenting vote, carried a provision that this readjustment of salaries should be made. Now, if a point of order is not made against this amendment to increase the salary of the Government Printer \$500, I shall then offer another amendment providing that the salary of the Deputy Public Printer shall be reduced \$500, which will leave the appropriation as it is and adjust the salaries so that I think it will be more generally satisfactory and more in harmony with the eternal fitness of things.

The CHAIRMAN. Is a point of order made against the amendment?

Mr. MANN. I make the point of order.

Mr. GILLETT. I make the point of order. The gentleman from New York reserved the point of order, and I supposed he was going to make it.

The CHAIRMAN. The Chair, of course, sustains the point of order, as it changes existing law.

The Clerk read as follows:

For public printing, public binding, and paper for public printing and binding, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving, for both Houses of Congress, the Supreme Court of the United States, the Supreme Court of the District of Columbia, the Court of Claims, the Library of Congress, the Smithsonian Institution, the Interstate Commerce Commission, the International Bureau of American Republics, the Executive Office, and the departments; for salaries, compensation, or wages of all necessary employees additional to those herein specifically appropriated for, including the compensation of the foreman of binding and the foreman of printing; rents, fuel, gas, electric current, gas and electric fixtures; bicycles, electrical vehicles for the carriage of printing and printing supplies, and the maintenance, repair, and operation of the same, to be used only for official purposes, including the maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for official use of the officers of the Government Printing Office when in writing ordered by the Public Printer (not exceeding \$1,500); freight, expressage, telegraph and telephone service; furniture, typewriters, and carpets; traveling expenses, stationery, postage, and advertising; directories, technical books, and books of reference, not stamps, and other machines of similar character; machinery (not exceeding \$100,000); equipment, and for repairs to machinery, implements, and buildings, and for minor alterations to buildings; necessary equipment, maintenance, and supplies for the emergency room for the use of all employees in the Government Printing Office who may be taken suddenly ill or receive injury while on duty; other necessary contingent and miscellaneous items authorized by the Public Printer; and for all the necessary materials and equipment needed in the prosecution and delivery and mailing of the work, \$4,400,000.

Mr. Sisson. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 155, line 8, after the word "Commission," insert the words "the Federal Trade Commission."

The question was taken, and the amendment was agreed to.

Mr. PARKER of New Jersey. Mr. Chairman, I see the gentleman from Mississippi [Mr. Sisson] is now in the Chamber, and I desire to ask—

Mr. Sisson. Mr. Chairman, I think we had better finish the bill first.

Mr. PARKER of New Jersey. All right, at any time.

The Clerk read as follows:

For printing and binding for Congress, including the proceedings and debates, \$1,587,520. Printing and binding for Congress chargeable to this appropriation, when recommended to be done by the Committee on Printing of either House, shall be so recommended in a report containing an approximate estimate of the cost thereof, together with a statement from the Public Printer of estimated approximate cost of work previously ordered by Congress, within the fiscal year for which this appropriation is made.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. Mr. Chairman, we are now reading the printing item, and one of the items is that for printing for the Interstate Commerce Commission, and that reminds me of a recent decision of the commission which is of very great importance to the people of the intermountain West. I am not given to recklessly criti-

cizing judicial bodies or decisions. I am not chargeable with any fault in that regard, and I do not want to be understood now as unreservedly criticizing the decision to which I shall refer, and yet I profoundly regret it. I am not convinced that it is based on equity or that it is fair to the people of the intermountain country. I do not believe it is. The decision to which I refer is one handed down a few days ago by the Interstate Commerce Commission, authorizing the transcontinental railroads to grant shippers from Chicago and points eastward reduced rates on shipments through to the Pacific coast, without at the same time reducing in the same proportion their rates to intermountain points. Now, the intermountain country already suffers from a great many handicaps. It is a handicap to be 1,500 miles from tidewater or from any navigation by water. It is a handicap to be in a country where nature is not as kindly as she is in some other localities. If a community is handicapped somewhat by nature and locality, it certainly should not be further handicapped by those agencies which are established for the purpose of establishing and maintaining transportation conditions that are fair, equitable, and just. The Interstate Commerce Commission bases its decision in this case upon the necessity, as the commission sees it, of reducing the rate between eastern points and Pacific points in order to enable the railroads to compete with the Panama Canal. Now, we of the intermountain West were in favor of building the Panama Canal, and we have done our share to help pay for it, but I do not think that the building of that great waterway should be made the vehicle and means of adding to our burdens. The commission justifies its action by saying that the rates they now make will cover all of the actual outlay, and therefore they are justified in making those rates—

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.]

The Chair hears none.

Mr. MONDELL. Mr. Chairman, in order that gentlemen may understand the tenor and effect of this decision, I shall place in the RECORD a clipping from the Washington Star of day before yesterday, as follows:

LOWER RATES DUE TO CANAL TRAFFIC—TRANSCONTINENTAL CARRIERS PERMITTED TO ESTABLISH NEW TARIFFS TO PACIFIC—EXPLANATION OF ORDER IS GIVEN BY THE INTERSTATE COMMERCE COMMISSION—RAILROADS WOULD BE UNABLE TO COMPETE WITH WATER LINES—LOWER THAN TO INTERMEDIATE POINTS.

To meet new traffic conditions which have arisen with the opening of the Panama Canal, the Interstate Commerce Commission to-day permitted transcontinental railroads to establish certain commodity rates from eastern points to Pacific coast terminals lower than those to intermediate points in intermountain territory.

This explanation of the order, which brings into prominent notice the revolutionary effect of the Panama Canal on transcontinental transportation, was made at the commission's headquarters.

"Under the original order in the intermountain case, carriers were required from the Missouri River westward not to charge more to an intermountain point than to a Pacific terminal. East of the river the stringency of the rule was somewhat abated.

"From Chicago to intermountain points the excess charge permitted over the rate to the Pacific terminals was 7 per cent; from Pittsburgh, 15 per cent; from the Atlantic seaboard, 25 per cent.

#### EFFECT OF SHRINKAGE IN RATES.

"The shrinkage of rates via the canal from New York to San Francisco put the transcontinental carriers in serious straits. On certain heavy commodities, largely moving by water, if the carriers reduced their rates to the Pacific to compete with the lowered water rates, a serious shrinkage in through earnings was inevitable. In addition to this loss on through revenue the carriers would have had to take a double loss on revenue to the intermountain points: First, because the intermountain rates would have to be lowered; and, second, because the percentage over the terminal rates would have been calculated on a lower base.

"Had no additional relief been afforded on intermountain points, an abandonment of much rail carriage from the Atlantic-seaboard territory was imminent, and had additional relief on intermountain traffic not been granted, there was grave reason to think that the Atlantic seaboard in the future would have supplied, by water, the Pacific coast with the commodities in question, and that many industries in the neighborhood of Chicago would have either lost their Pacific customers or have been compelled to migrate to near the Atlantic seaboard.

"In this emergency a greater degree of relief on certain commodities to intermountain points has been accorded by the commission, but only on the commodities in question. The net result of the greater relief is that industries in the Chicago and middle-west section will continue in the business of supplying consumers on the Pacific."

#### CHANGES IN THE RATES.

The order permits railroads to carry carload freight from Chicago, Buffalo, and New York to intermediate points, 15, 25, and 35 cents higher than from the Missouri River to the same destination, and less-than-carload commodity rates from Chicago, Pittsburgh, and New York to intermediate points may exceed those from the Missouri River to the same destinations by 25, 40, and 55 cents, respectively.

Carload rates on coal and pig iron may be less to the Pacific coast than to intermediate points, but the rates on such articles to the higher rates intermediate points must not exceed 5 mills per ton-mile. "The Pacific coast terminals to which these rates will apply," says the explanation, "are the points at which the Atlantic-Pacific steamships deliver their freight."

"It is evident from the whole record," says the commission's opinion, "that whatever may have been the degree of competition in the past



between the rail carriers and the water carriers as to the rates on these articles, concerning which additional relief is now sought, we are witnessing the beginning of a new era in transportation between the Atlantic and the Pacific coasts.

#### RATES MUST BE LOWER.

"To secure any considerable percentage of this coast-to-coast traffic rates on many commodities must be established by the rail lines materially lower than those now existing. As we view it, the Panama Canal is to be one of the agencies of transportation between the East and the West, but not necessarily the sole carrier. If the railroads are able to make such rates from the Atlantic seaboard to the Pacific coast as will hold to their lines some portion of this traffic with profit to themselves, they should be permitted to do so.

"The acceptance of this traffic will add something to their net revenues, and to that extent decrease, and not increase, the burden that must be borne by other traffic. It will also give the shippers at the coast points the benefits of an additional and a competitive service.

"We are of the opinion that these carriers should be permitted to compete for this long-distance traffic so long as it may be secured at rates which clearly cover the out-of-pocket cost."

The commission says that few, if any, of the intervening interests really opposed the petition of the carriers, but that the intermountain territory protested.

The commission suggests that the railroads themselves readjust the so-called "back-haul" rates from the Pacific coast to points inland.

Mr. MONDELL. Now, Mr. Chairman, we all know that if all railroad rates were placed so low that the rates would simply cover the actual outgo, the actual expenditure in carrying the traffic, that the roads would eventually go into bankruptcy, because there must be a fair interest made on the investment. The interest must be paid on the stocks and bonds and other obligations, and to fix a rate on the basis of simply covering and paying for the actual outlay means fixing a rate that burdens some other traffic. And in order to help the Pacific coast, having already all the benefits of tidewater communication, in order to help Chicago and eastern shippers, in order to make it possible for some railroad manager to keep up his volume of business in coast-to-coast traffic, rates are allowed to be made which in the last analysis are a burden on the people who live in the intermountain region. We not only pay for the haulage of our freight and at high rates under present conditions, but we must be further burdened, because the Panama Canal has been built, in order that some one already having the advantage of ocean transportation may have other advantages. We are to be burdened because shippers not willing to adjust themselves to changed conditions want to make us pay for the losses railroads sustain in hauling their traffic. It is not fair, it is not just, it is not equitable, in my opinion, and I hope and trust that eventually, and the sooner the better, this decision will be overturned. The commission suggests that not all of those affected by the rates protested, but the intermountain region protested vigorously and protested in vain. Our situation was bad enough, heaven knows, before this last decision, for, like the darky's 'coon trap, the rates heretofore in force caught us coming and going.

Mr. McKENZIE. Will the gentleman yield for a question?

Mr. MONDELL. I will.

Mr. McKENZIE. The decision of the Interstate Commerce Commission has not raised the rates affecting your country, has it, or the intermountain States?

Mr. MONDELL. The decision of the Interstate Commerce Commission has not raised our rates.

Mr. McKENZIE. Then you are in no worse position than you have been heretofore?

Mr. MONDELL. We are, for this reason: That every ton of freight hauled on this new lower rate from Chicago and points farther east to the coast is hauled at a loss, and the only place where that loss can be made up is in the rates into the intermountain region. Why, we are already paying a burden with regard to that, because under decisions heretofore made shippers are allowed to charge more for hauling to the intermountain country than a thousand miles farther to the coast.

The rates to the intermountain country are high. Our people have frequently attempted to secure a reduction, but generally in vain. Not only must we prove that a certain rate is unfair and inequitable and that another and lower rate is fair and reasonable and sufficient for the service, but it must also be proven that these lower rates we seek are not unreasonably low or confiscatory when considered in connection with the income from other rates—from these low through rates. If we have had difficulty in securing reductions in the past, how much more difficult will it be to secure reductions in the future with the low, unremunerative rates extended and rendered more unremunerative by this recent order? Further, the more tonnage secured by these low rates the more the loss to the railroads. Some one must make good that loss. It will come out of the intermountain country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent for five minutes more.

Mr. FITZGERALD. How much more time does the gentleman desire?

Mr. MONDELL. Five minutes.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that all debate on the paragraph and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on the paragraph and the amendments thereto close in five minutes. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Wyoming is recognized for five minutes.

Mr. MONDELL. Mr. Chairman, if we make a shipment from any eastern point into the intermountain country, we pay as much as though we lived on the coast and from 7 to 25 per cent more, and under this new rule from 15 to 35 per cent more. If we desire a shipment from the Pacific coast, in some cases we pay more on freight hauled only 1,500 miles than is paid on freight hauled clear across the continent.

Mr. BRYAN. Will the gentleman yield?

Mr. MONDELL. The railroads are allowed to burden us both ways. We not only lack the benefits and advantages of water transportation, but a burden is placed upon us because other communities do have the benefits of water transportation. In order to make the benefits of water transportation more beneficial, more helpful to other communities, than they would ordinarily and naturally be, the interior is taxed in order that the shipper may have even greater advantages than his naturally advantageous location gives him.

Now I yield to the gentleman from Washington [Mr. BRYAN].

Mr. BRYAN. In view of the fact of these injustices the gentleman speaks of, does he not feel that it would be wise for him to join with me on the Government ownership of railroads, so that we can regulate these rates at Washington, the National Capital, and prevent these injustices, and have authority over them?

Mr. MONDELL. I sometimes, no doubt, get a little foolish on some things, but I hope I have not gotten foolish enough yet to imagine that you can secure better freight rates under Government ownership than you may secure under private ownership and Government supervision.

Mr. BRYAN. Does not the gentleman think it would be wise from a legislative standpoint to prevent this phony competition between the railroads and the steamboats, to allow traffic to take its natural course, and to go by water if it can—

Mr. MONDELL. The very thing I am complaining about is action by an agency of the Federal Government, and the gentleman wants more action by the Government.

Mr. BRYAN. But the gentleman is complaining in Congress, and he is acting on the part of the Federal Government.

Mr. MONDELL. Well, I do not want to enter into a controversy with the gentleman in regard to the merits and demerits of public ownership of railroads. I do not think there is an argument that any sane man ought to give consideration to in favor of Government ownership of railroads.

Mr. BRYAN. Of course I addressed the gentleman from Wyoming. I did not refer to anything about sanity.

Mr. MONDELL. I was not especially referring to the gentleman from Washington. If the gentleman from Washington wants to apply my words, of course that is his affair and not mine. But what I am complaining of is this, that this system of allowing lower rates for long haul than for the short haul, a system questionable in its wisdom and in its equity under any circumstances and conditions, as now extended by this decision of the Interstate Commerce Commission tends to lay a burden on the intermountain country, which is already burdened beyond most of the Union in the matter of freight rates. We now pay more per mile for freight coming to us than most sections of the country, and here is a decision which will eventually result in our paying still greater, considering the services performed.

The CHAIRMAN. The time of the gentleman from Wyoming has expired. Under the order all time has expired.

Mr. J. R. KNOWLAND. Mr. Chairman, in view of the remarks just made by the gentleman from Wyoming [Mr. MONDELL], I ask unanimous consent to extend my remarks by quoting extracts from the decision of the Interstate Commerce Commission on the matter of commodity rates to Pacific coast terminals and intermediate points. These extracts will answer some of the gentleman's criticisms. I commend the reading of the full decision, which goes into the whole subject thoroughly.

The CHAIRMAN. The gentleman from California asks unanimous consent to print in the Record certain statements. Is there objection? [After a pause.] The Chair hears none.



The matter referred to is as follows:

[Extracts from decision of Interstate Commerce Commission.]

COMMODITY RATES TO PACIFIC COAST TERMINALS AND INTERMEDIATE POINTS—IN THE MATTER OF APPLICATIONS FOR RELIEF FROM THE PROVISIONS OF THE FOURTH SECTION OF THE ACT TO REGULATE COMMERCE, AS AMENDED JUNE 18, 1910, WITH RESPECT TO COMMODITY RATES FROM EASTERN DEFINED TERRITORIES TO PACIFIC COAST TERMINALS AND INTERMEDIATE POINTS.

[Submitted Nov. 23, 1914. Decided Jan. 29, 1915.]

It is evident from the whole record that, whatever may have been the degree of competition in the past between the rail carriers and the water carriers as to the rates on these articles concerning which additional relief is now sought, we are witnessing the beginning of a new era in transportation between the Atlantic and the Pacific coasts. To secure any considerable percentage of this coast-to-coast traffic rates on many commodities must be established by the rail lines materially lower than those now existing.

It has been suggested that the construction of the Panama Canal by the Government of the United States is indicative of a governmental policy to secure all of this coast-to-coast business for the water lines, and that no adjustment of rates by the rail lines should be permitted which will take away traffic from the ocean carriers which normally might be carried by them. This suggestion, however, loses force under the consideration that the Panama Canal is but one of the agencies of transportation that the Government of the United States has fostered between the Atlantic coast and the Pacific. The Government has from the beginning of railroad construction in the United States encouraged their construction and operation by private capital and enterprise. Some of these transcontinental lines would not have been built had it not been for the liberality the Government extended to them at the time of their construction. As we view it, the Panama Canal is to be one of the agencies of transportation between the East and the West, but not necessarily the sole carrier of the coast-to-coast business. If the railroads are able to make such rates from the Atlantic seaboard to the Pacific coast as will hold to their lines some portion of this traffic with profit to themselves, they should be permitted so to do. The acceptance of this traffic will add something to their net revenues, and to that extent decrease, and not increase, the burden that must be borne by other traffic. It will also give the shippers at the coast points the benefits of an additional and a competitive service.

Few, if any, of these intervening interests are really opposing the petition of these carriers for relief. The intermountain territory, however, is earnestly protesting against the request of the carriers for relief as to the coast rates without adequate provision at the same time for fair, just, and reasonable rates to intermediate intermountain points.

We are of the opinion that these carriers should be permitted to compete for this long-distance traffic so long as it may be secured at rates which clearly cover the out-of-pocket cost. The lowest proposed rate from Atlantic seaboard territory is 65 cents per 100 pounds, applicable on east and wrought iron pipe in carloads of 40,000 pounds. This gives a per car earning of \$260, and upon a basis of a 3,200-mile haul yields a car-mile revenue of 8.1 cents and a ton-mile revenue of 4.05 mills. Since the average ton-mile revenue of these carriers is approximately 9 mills on freight traffic, it is probable that a rate which produces 45 per cent as much as the average pays more than the out-of-pocket cost and therefore does not impose a burden upon other traffic. None of the rates proposed appear, therefore, to be open to the charge that they pay less than the out-of-pocket cost. Many of them are low as applied to the total haul from the Atlantic seaboard, but they are not for that reason low as applied to the haul from the Missouri River. Omaha is nearly 1,500 miles west of New York City, and it is urged that rates that yield some profit over a haul of 3,200 miles must yield a good profit when the traffic is hauled but 1,800 or 1,900 miles. The Union Pacific-Southern Pacific line from Omaha to San Francisco is 1,786 miles in length. The line of the Santa Fe from Kansas City to Los Angeles is 1,809 miles; the Northern Pacific line from St. Paul to Seattle is 1,911 miles. The average haul from the Missouri River territory to the Pacific coast is approximately 1,850 miles.

These coast cities always have had, and in all probability always will have, a marked advantage over many of the interior points by reason of their geographical position on the sea and the competition of water carriers from the Atlantic coast and other points. The new situations which have resulted by reason of the building of the Panama Canal gives to these points, however, a still greater advantage that is not natural, but artificial. The United States has provided a waterway across the Isthmus that has resulted in materially decreasing the rates, shortening the time, and increasing the efficiency of the water carriers to and from the Atlantic seaboard. In so far as any reasonable and lawful relation of rates will permit, the benefits of this increased service should be extended to all of the people. It may be said also that a policy of greater liberality on the part of the rail carriers to these interior towns will result in benefit to themselves. Every carload of freight brought from the East and distributed from these interior cities instead of from the coast will effect for the carriers a saving in expense and an addition to their net revenues.

The present coast-to-coast rates of the rail lines and the problem of holding a reasonable proportion of the business to these interior points to the rail lines can only be met on the part of the carriers with rates which will afford the interior points reasonable opportunity to distribute merchandise in contiguous territory.

Will the establishment of such rates lower than the maximum amount the carriers can possibly secure for the traffic produce discrimination against points farther east to which higher rates apply? It is obvious that the low water compelled rates to the coast terminals will inevitably affect the rates to a strip of territory lying along the coast from 200 to 300 miles in width. The adoption of any scheme of rate making that will permit cities lying within this zone to more effectively compete against the coast cities may permit these interior cities to distribute merchandise a little farther east than they would under the present plan, but that apparently will not result in unjust discrimination, for the same rule will apply to all points. That is to say, the rates to all these points will be adjusted on a uniform plan, and the rates will be increased with distance from the coast until they equal the maximum rates permitted to intermountain points. For example, iron articles on which, as heretofore stated, maximum carload rates have been permitted to intermountain points of 75 cents from the Missouri River, 90 cents from Chicago, \$1 from Pittsburgh, and \$1.10 from New York, bear a rate from Missouri River and many points east thereof to the Pacific coast of 55 cents. Upon the assumption that proportional rates from the terminals are

established on this commodity which are, for example, 25 per cent less than the local rates when traffic does not in fact move to the terminals, the rate from the Missouri River to these back-haul points would be reduced by the coast combination wherever 75 per cent of the local rate from the coast terminal to destination is less than 20 cents. The rate from Chicago to the back-haul points would be reduced in all those cases where 75 per cent of the local rate from the terminal is less than 35 cents. The rate from Pittsburgh would be reduced to all points to which 75 per cent of the rate from the terminal is less than 45 cents. Where the carload rate on some of these commodities is 75 cents or more from the Missouri River, it is applied as a maximum to intermediate points. The rates on such commodities from the Missouri River to the back-haul points are therefore unaffected by coast combination. The rates from Chicago, Pittsburgh, and New York would be affected by coast combination to only those points to which 75 per cent of the local rate from the terminal is less than 15, 25, and 35 cents, respectively.

The maximum-rate points would thus be moved a little farther east than if the full local were applied. This would widen the zone affected by the coast rates and extend the benefit of the low rates thereto to territory farther east than at present. The differences by which rates to points on the eastern side of the back-haul territory exceed the rates to points on the western side would be less marked and discrimination against the eastern points be thereby decreased. The same result could be accomplished by the publication of basing rates on these commodities from the territories of origin to the Pacific coast terminals. These basing rates, added to the local rates from the terminals, would determine the rates to back-haul points. It is obvious that there is now, and will be under any scheme of rate making that may be devised to the back-haul territory, some discrimination against points farther east in intermountain territory. This discrimination, however, under the plan suggested, does not appear to be unjust. Each interior point will be given the benefit of its geographical position and rates which apparently are not unjustly discriminatory. The extent to which carriers are hereby relieved from the operation of the rule of the fourth section by this order shall not exceed the degree of deviation permitted herein as between the terminal rates herein approved and the maximum intermediate rates herein authorized, nor shall the aforesaid degree of deviation be exceeded by any changes made in the future unless under further order of the commission.

The method of constructing the rates to the back-haul points above suggested involves necessarily reduction in the rates to such points to a level lower than the carriers have anticipated by their application. The record in this case is not sufficient to afford a basis warranting the commission in prescribing the exact measure of these rates. We shall therefore make no order in regard thereto at this time.

No evidence has been presented in this case to show that it is necessary to apply the coast terminal rates to any points except the ports of call on the Pacific coast at which the Atlantic-Pacific steamship lines deliver freight. We shall authorize these carriers to establish the rates proposed to these ports upon all the articles in the list, excepting those to which exceptions have been noted.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

Mr. SMITH of Minnesota. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record by inserting an analysis made by the Minneapolis Journal of the rate decision recently rendered by the Interstate Commerce Commission.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to print in the Record a certain analysis made by the Minneapolis Journal on the recent Interstate Commerce Commission decision. Is there objection?

There was no objection.

The following is the article referred to:

RAILROADS TO MEET CANAL COMPETITION WITH LOWER RATES—INTERSTATE COMMERCE COMMISSION GRANTS PERMISSION FOR CUT IN THROUGH TARIFFS—MIDDLE WEST BUSINESS TO PROFIT BY DECISION—ATLANTIC SHIPPERS THREATENED TO ACQUIRE ALL PACIFIC COAST TRADE.

WASHINGTON, February 11, 1915.

To meet new traffic conditions which have arisen with the opening of the Panama Canal the Interstate Commerce Commission to-day granted transcontinental railroads vital relief by permitting them to establish certain commodity rates from eastern points to Pacific-coast terminals lower than those to intermediate points in intermountain territory.

EARLIER ORDER CHANGED.

This explanation of the order was made at the commission's headquarters:

"Under the original order in the intermountain case carriers were required from the Missouri River westward not to charge more to an intermountain point than to a Pacific terminal. East of the river the stringency of the rule was somewhat abated.

"The shrinkage of rates via the canal from New York to San Francisco put the transcontinental carriers in serious straits. On certain heavy commodities, largely moving by water, if the carriers reduced their rates to the Pacific to compete with the lowered water rates a serious shrinkage in through earnings was inevitable.

DOUBLE LOSS A HARSHIP.

"In addition to this loss on through revenue, the carriers would, under the original order, have had to take a double loss on revenue to the intermountain points—first because the intermountain rates would have to be lowered, and, second, because the percentages over the terminal rates would have been calculated on a lower base.

"Had no additional relief been afforded there was grave reason to think that the Atlantic seaboard in the future would have supplied by water the Pacific coast with the commodities in question and that many industries in the neighborhood of Chicago would have either lost their Pacific customers or have been compelled to migrate to near the Atlantic seaboard. The net result of the greater relief is that industries in the Chicago and Middle West section will continue in the business of supplying customers on the Pacific."

NEW TARIFFS OUTLINED.

The order permits railroads to carry carload freight from Chicago, Buffalo, and New York to intermediate points 15, 25, and 35 cents



higher than from the Missouri River to the same destinations, and less than carload commodity rates from Chicago, Pittsburgh, and New York to intermediate points may exceed those from the Missouri River to the same destinations by 25, 40, and 55 cents, respectively.

#### COAL AND IRON RATES LOWER.

Carload rates on coal and pig iron may be less to the Pacific coast than to intermediate points, but the rates on such articles to the higher-rated intermediate points must not exceed 5 mills per ton-mile.

"The Pacific coast terminals to which these rates will apply," says the explanation, "are the points at which the Atlantic-Pacific steamships deliver their freight."

#### CANAL CHANGES SITUATION.

"It is evident from the whole record," says the commission's opinion, "that, whatever may have been the degree of competition in the past between the rail carriers and the water carriers as to the rates on these articles, concerning which additional relief is now sought, we are witnessing the beginning of a new era of transportation between the Atlantic and the Pacific coasts."

#### ENTITLED TO PART OF TRAFFIC.

"To secure any considerable percentage of this coast-to-coast traffic, rates on many commodities must be established by the rail lines materially lower than those now existing. As we view it, the Panama Canal is to be one of the agencies of transportation between the East and the West, but not necessarily the sole carrier. If the railroads are able to make such rates from the Atlantic seaboard to the Pacific coast as will hold to their lines some portion of this traffic with profit to themselves, they should be permitted to do so."

The commission says that few, if any, of the intervening interests really opposed the petition of the carriers, but that the intermountain territory protested.

#### The Clerk read as follows:

For the Smithsonian Institution: For printing and binding the Annual Reports of the Board of Regents, with general appendixes, the editions of which shall not exceed 10,000 copies, \$10,000; under the Smithsonian Institution: For the Annual Reports of the National Museum, with general appendixes, and for printing labels and blanks, and for the Bulletins and Proceedings of the National Museum; the editions of which shall not exceed 4,000 copies, and binding, in half morocco or material not more expensive, scientific books and pamphlets presented to or acquired by the National Museum Library, \$37,500; for the Annual Reports and Bulletins of the Bureau of American Ethnology, and for miscellaneous printing and binding for the bureau, \$21,000; for miscellaneous printing and binding for the International Exchanges, \$200; the International Catalogue of Scientific Literature, \$100; the National Zoological Park, \$200; the Astrophysical Observatory, \$200; and for the Annual Report of the American Historical Association, \$7,000; in all, \$76,200.

Mr. MANN. Mr. Chairman, I reserve a point of order on the language in lines 5 and 6, rating the editions that shall not exceed 10,000 copies. What is the result of that language?

Mr. FITZGERALD. It increases the number of copies. I think the number now is 7,500. The Committee on Printing agreed to this.

Mr. MANN. It does increase the number?

Mr. FITZGERALD. It does increase the number. It increases it by 2,500 or 3,000 copies.

Mr. MANN. I withdraw the point of order, then.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order, and the Clerk will read.

#### The Clerk read as follows:

Provided, That if, in the opinion of the Secretary of War, it should be to the best interests of the United States, not to exceed \$50,000 of the foregoing appropriation may be expended for the erection of a building for the installation of machinery to be used in the manufacture of projectiles.

Mr. McKENZIE. Mr. Chairman, I make a point of order on the proviso beginning with line 8 on page 170.

Mr. FITZGERALD. If the gentleman makes the point of order on the proviso, this appropriation would not be of any benefit.

Last year, in making appropriations for ammunition for sea-coast-defense cannon, it was pointed out by Gen. Crozier that at the rate at which appropriations were being made \$50,000 was required for certain additional facilities, and the fortification bill carried certain sums on the understanding that that matter would be taken up and included in the sundry civil appropriation bill. When the sundry civil bill was under consideration Gen. Crozier was very ill, and the matter escaped everybody's attention. It is connected with this particular item because it is in connection with this character of ammunition that this building is needed. The failure to provide these facilities will simply mean a very considerable delay in the acquisition of very necessary ammunition in connection with our seacoast defenses.

Mr. MANN. This building that is referred to in this paragraph is not a building on the Canal Zone?

Mr. FITZGERALD. Oh, no. It is for a building at one of our arsenals; at one of the arsenals in the United States. It is not on the Canal Zone.

Mr. MANN. Upon what theory is it appropriated for here?

Mr. FITZGERALD. We pay for these tools and appliances and the like out of the appropriation for the ammunition. At first it was suggested that a separate appropriation be made for the building, but afterwards it was included in this way.

Mr. MANN. I can not understand the purpose. I supposed this was a building on the Canal Zone.

Mr. FITZGERALD. Gen. Crozier, when he appeared before the Committee on Appropriations last year, stated that if an appropriation for ammunition was made at a certain rate he would require additional facilities and would ask that \$50,000 be provided for the building. He said that would be taken up on the sundry civil bill. When the sundry civil bill was reached Gen. Crozier was very ill, and the matter escaped our attention. He came before us this year and called our attention to it, and said that it could as easily be paid out of this appropriation as out of a similar appropriation in the fortifications bill, and that the facilities are necessary.

Mr. MANN. Why should it be charged to the Panama Canal?

Mr. FITZGERALD. It will not be charged to the canal.

Mr. MANN. Certainly. Here is the appropriation.

Mr. FITZGERALD. No; the fortification items are eliminated from the cost of the canal items.

Mr. MANN. Well, it is for the fortification of the Panama Canal.

Mr. FITZGERALD. If the gentleman wishes it to go out, I have no objection.

Mr. McKENZIE. Mr. Chairman, I would like a moment in which to give my reasons.

Mr. Chairman and gentlemen, I might say that as a member of the Committee on Military Affairs I have joined very heartily in the plan of building up a reserve, not only of arms but of ammunition, for the protection of our country in case of an attack, and I said in that committee that I thought that one of the things that we ought to do was to provide for buildings and equip them with machinery for the manufacture especially of field and coast artillery ammunition; that it would be a better investment and would give us a better reserve than to manufacture and keep on hand such a large amount of ammunition.

I am in favor of that, but I am also in favor of constructing these additional new buildings at the Rock Island Arsenal. And I want to say that that is not because I am one of the Representatives from the State of Illinois, but because I believe that the great central arsenal of our country should be located far into the interior, and I will be glad to see it built there.

However, that is not my principal objection to the item as it now stands. My principal objection is to our giving the power to the Secretary of War to determine where this building is to be constructed or erected.

Mr. FITZGERALD. It is to be constructed at the Watertown Arsenal. The reason for that is that this is the best metallurgical plant. The furnaces and parts of the plant are there already, and this is to provide some additional facilities for that plant.

Mr. McKENZIE. Will the gentleman allow me to ask him this question: If it is to be built at Watertown Arsenal, why not say so?

Mr. FITZGERALD. I have no objection to saying so. There was no desire to conceal it. I say that to the gentleman so that he will have the information.

Mr. McKENZIE. With all due respect to the Secretary of War, I think it is the part of Congress to determine rather than allow him to determine where buildings shall be constructed.

Mr. FITZGERALD. If we provided \$50,000 for this building at the Rock Island Arsenal, it would be of no benefit, because they would have to provide a number of additional facilities that are not now at Rock Island but which are at Watertown. It would be useless to put part of the plant at Watertown, Mass., and another part of the plant at Rock Island, Ill., and then expect anybody to manufacture under any conditions.

Mr. SHERLEY. Mr. Chairman, the gentleman should remember that all of these arsenals have distributed among them a certain character of work. That has been a matter of evolution, and the Ordnance Department is infinitely better able to determine where it can do a particular kind of work than this Congress can be. As a matter of fact, Rock Island ought to complain least, because there has been more enlargement of Rock Island and there will be more enlargement there than at any other arsenal. That is due to two facts. One is that there you have unlimited power, practically, and the other is that you have land, and the other arsenals are crowded for land and have a less economic power in some cases. But they make up in other particulars, some of them by the skilled mechanics that they have available for certain types of work. But to undertake to place a building, without regard to the work that the arsenals are now doing, would simply be to waste your money.



Mr. McKENZIE. I might say to the gentleman from Kentucky that I do not consider it would be a waste of money. I think it would be well to have more of these buildings, and to have them equipped with the machinery.

Mr. SHERLEY. But this building is for a concrete purpose, and it is needed now.

Mr. McKENZIE. I understand, and my recollection is that Gen. Crozier stated before our committee, when we discussed this very question—

Mr. FITZGERALD. Your committee did not discuss this question, because it has not jurisdiction over the kind of projectiles that are to be made. These are for coast-defense guns.

Mr. GILLET. Does the gentleman think he is as impartial a judge of what is for the best interests of the country as the Secretary of War?

Mr. McKENZIE. I will not put that up to myself.

Mr. GILLET. I understand the reason of your objection is that it ought to go to Rock Island.

Mr. McKENZIE. If the majority of the Members of Congress felt that way, then it ought to go to Rock Island.

Mr. GILLET. Does not the gentleman think the Secretary of War is much more apt to determine it impartially, than even the Members of this House, as to what is best for the country?

Mr. FITZGERALD. Is the gentleman from Illinois going to make the point of order? If he wishes to do so, I hope he will.

Mr. McKENZIE. If you want to amend, and state where it is to be built, I might withdraw the point of order.

Mr. FITZGERALD. The department wants it at the Watertown Arsenal.

Mr. McKENZIE. If you want to put in an amendment, and submit to the House the question where it shall be built—

Mr. FITZGERALD. If the gentleman does not want it to go there, it ought not to go anywhere.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. FITZGERALD. It is useless to provide a building at some other arsenal, when part of the plant is located there.

Mr. MADDEN. He says amend it, and put in Watertown.

Mr. McKENZIE. If you will amend it, I will withdraw the point of order. I am opposed to giving the Secretary of War or the Secretary of the Navy such power.

Mr. FITZGERALD. After the word "building," in line 11, on page 170, I will offer an amendment to insert the words "at the Watertown Arsenal."

That is where the building is designed to be located, and that will meet the gentleman's objection.

Mr. SHERLEY. Mr. Chairman, I desire to say that I have no objection to that amendment, but I have very serious objection to the viewpoint of the gentleman from Illinois [Mr. McKENZIE] as to Congress determining these matters. If any abuse has been pronounced, it has been the abuse of individual Members of Congress undertaking to have Government plants established in their districts or their localities, not because the plant ought to be put there but because it was to the interest of a particular community. We have had constant illustrations of that kind in connection with Army posts that ought never to have been built and never would have been built if it had not been for the political power of individual men in connection with the making of appropriations for the Army. Now, to undertake to say here in Congress that we are the judges, and that we are capable judges of where various manufacturing operations should be carried on, is to say what I do not believe. I undertook to point out yesterday, in connection with the Alaskan railroad, what I believed to be the true rule. Congress, by virtue of its very size, is best able to determine questions of policy; but Congress, by virtue of its very size, is unable properly to determine matters of administration pure and simple; and for us to undertake to determine where a given thing shall be made, where the seacoast cannon shall be made, where the rifles shall be made, where the ammunition shall be made, is to undertake to determine what we are incompetent to determine and what we never would determine purely on its merits, but it would become a proposition of one section bidding against another and offsetting an appropriation for one part of the country with an appropriation for another part of the country. The trouble is that men insist on looking on these things as local when they are national. The country is interested in having the work done properly and as cheaply as it may be.

Mr. McKENZIE. I want the gentleman to understand that I do not represent the Rock Island Arsenal. It is not in my district. I have no personal interest in the matter whatever, but I want to ask the gentleman from Kentucky [Mr. SHERLEY] if he does not believe it would be good policy to have our greatest

arsenal in the interior of our country, far removed from any possible attack by an enemy?

Mr. SHERLEY. Yes and no. I think it is of value to have the Rock Island Arsenal, and I think it is of value to develop it. I have undertaken to help in that movement, but I do not think it follows that because it is in the central part of the country it should be given always the preference over others. There are certain kinds of work that should be done on the coast rather than in the interior because of the saving of freight.

Mr. McKENZIE. I want to say to the gentleman from Kentucky that I agree with him perfectly in the matter of political pull. I am opposed to it all along the line, and I know the simple fact that a man is Secretary of War or Secretary of the Navy does not make him immune from influence any more than anyone else.

Mr. SHERLEY. I thoroughly agree with that statement, but there is nothing in the history of the Ordnance Department that warrants the belief that they are going to expend money at one arsenal as against another because of any ulterior purpose.

Mr. CURRY. Mr. Chairman, I have no objection to the manufacture of projectiles at the Watertown Arsenal. I think there ought to be two Government manufactories of projectiles—one on the Atlantic and one on the Pacific coast. I believe the manufacture of projectiles on the coast to be for the best interests of the Government, on account of the saving of the transportation cost of the projectiles. It has been stated that the Watertown Arsenal is the only arsenal that has a sufficient amount of land.

Mr. SHERLEY. No one has made that statement. I said it had more land, and therefore would go through a larger development than the others.

Mr. CURRY. The Benicia Arsenal and Barracks have 339.7 acres.

Mr. SHERLEY. I hope the gentleman will not undertake to develop any plea for Benicia Arsenal, for it might require statements about that arsenal that would not be very flattering.

Mr. CURRY. I am prepared to answer any questions the gentleman may ask, and to go into details regarding the economic reasons for the development of Benicia Arsenal. So far as power is concerned, while the Benicia Arsenal has not its own power, it has cheaper power than any arsenal or public plant in the United States except, possibly, Rock Island. We pay 1 cent a kilowatt, and that is about as cheap as you can manufacture it. The Benicia Arsenal ought to be developed. It is the only arsenal on the Pacific coast, and the failure of Congress to develop that arsenal and properly care for it has cost the United States millions of dollars in the past and will cost it millions of dollars in the future if it does not take care of it.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Chair can not entertain an amendment until the point of order is disposed of. The Chair understood the gentleman from Illinois to withdraw his point of order.

Mr. McKENZIE. I do withdraw it.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Page 170, line 11, after the word "building," insert the words "at the Watertown Arsenal."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

In all, specifically for fortifications and armament thereof for the Panama Canal, \$2,639,048.30.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Last year we carried a provision with reference to the disposition of moneys received from rents, fees, fines, and various other things. What has become of that?

Mr. FITZGERALD. We discontinued that and practically add the estimated amount to one of the appropriations.

Mr. MANN. That money is to be covered into the Treasury?

Mr. FITZGERALD. Yes.

The Clerk read as follows:

Sec. 2. That until the close of the fiscal year 1916, when any material, supplies, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal is no longer needed, or is no longer serviceable, it may be sold in such manner as the President may direct, and without advertising in such classes of cases as may be authorized by him.

Mr. COOPER. Mr. Chairman, I reserve a point of order against that section. I want to ask if that is in the existing law?

Mr. FITZGERALD. It has been carried several years and is in the current law. It was found that certain equipment



used in the Government work on the canal could be disposed of by negotiation with persons who are engaged in construction work of different kinds in South American countries much more advantageously than it could if advertised and sold at public auction.

Mr. MANN. This is practically asking for a selling agent—to send somebody around to see if they can not sell it?

Mr. FITZGERALD. Yes; and it has resulted in getting beneficial terms. Instead of making it permanent, we have carried it from year to year, so that when the time comes when the bulk of the equipment has been worked off the authority will no longer be given. As the gentleman knows, all the equipment has been charged into the cost of the canal and the more that can be obtained for it now the more credit there is. The matter is very carefully guarded.

Mr. COOPER. Mr. Chairman, I would not like to see a similar policy adopted in regard to other property owned by the Government of the United States.

Mr. FITZGERALD. This is only for the fiscal year.

Mr. COOPER. This provides that equipments heretofore or hereafter purchased or required for the construction of the canal may be sold, and so forth. It may be entirely serviceable, it may be just as good as when it was new, and yet here is an authority to sell it by private sale. If that sort of thing should obtain generally, it would open a way to all sorts of improper things and frauds.

Mr. MANN. Will the gentleman yield?

Mr. COOPER. Yes.

Mr. MANN. I think we will all agree thoroughly with what the gentleman from Wisconsin says, but this was the situation on the canal: We had a large lot of equipment there—railroad equipment and otherwise—that might be useful somewhere. It did not pay to bring it back to the United States and advertise it for sale. They could not get anybody to go down there and examine it for bids to any extent, and it was proposed to pass a law giving the President authority to employ some one to go all over the world and sell it without restriction as to time. That was not thought desirable, but it was thought desirable two years ago to put in this temporary provision and see how it would work out, and if there were any objection to it it would automatically cease. As a matter of fact, they have railroad machinery that is worthless down there, worthless up here, because it is not of the standard size, and they have other things there of that kind. They have been able to get some one to watch out where they are adding new improvement work at different places in the world, sending to people who want the machinery and who are willing to take it at a higher price than could be obtained in any other way.

Mr. FITZGERALD. Among this is a large number of locomotives.

Mr. MANN. As I understand, there has been no abuse of it. Of course it would not do at all to apply it to the general Government service. We are all agreed about that, and it seemed more desirable to carry it here from year to year than it was to give permanent authority.

Mr. COOPER. I understand the force of the gentleman's statement, yet it does not convince me at all as to the desirability of this sort of legislation. Here are locomotives, here is valuable material which may be in condition for long use, and we propose to permit its disposition at private sale. It is said that the President will take care of it. The President is thousands of miles away from the Panama Canal, and he must depend upon the statements of somebody.

Mr. MANN. Mr. Chairman, if the gentleman will permit, it is practically a question of trying to sell it for something for a particular use or selling it for old junk. It saves money, that is all.

Mr. COOPER. I do not think so, with all due respect to the gentleman from Illinois. That statement would apply anywhere else. There is no more reason, in my judgment, why the man who will buy this at private sale would not bid for it if there were an advertisement of public sale any more than there would be in any other case in the disposition of public property.

Mr. FITZGERALD. Mr. Chairman, there are a large number of locomotives that no one would purchase for use as locomotives, because the gauge is 6 feet.

Mr. COOPER. Then advertise them and say here are a lot of locomotives at such and such a price.

Mr. FITZGERALD. They would be bought for scrap. They are holding them, and as construction is being undertaken in various South American countries they suggest to the people that if they will build instead of the standard-gauge track a track of 6-foot gauge they could make arrangements to sell locomotives to them at a price that would be profitable to the canal and profitable to the people doing the work.

Mr. MANN. They say that it has been very profitable.

Mr. FITZGERALD. I will ask the gentleman to either make the point of order or let us proceed.

Mr. MONDELL. Mr. Chairman, if the gentleman will permit, I would suggest to the gentleman from Wisconsin [Mr. COOPER] that the last time I was in Panama I talked with Col. Goethals and some of the other canal officials in regard to this very matter. I saw great lines of these worn engines and cars, a lot of rails, and other material of one sort and another. I became convinced that if we were to advertise all that stuff for sale we would get very few bidders and low bids. There would be very few buyers, but it did seem to me that if we had the stuff all listed and people going down there could see the material and buy such part as they desired and could secure it without having to wait for a sale, we might sell quite a quantity of it and at a very good price. As a matter of fact, I understand they are getting fair prices for what they have sold, considering the value of the material. My own opinion was that under the conditions in Panama they would get more for the material at private sale than they would if they were to advertise it.

Mr. COOPER. Mr. Chairman, that same argument would apply to any other material for which the Government of the United States does not have immediate use. The same argument would apply to material in the United States proper.

Mr. MONDELL. Oh, no.

Mr. COOPER. Certainly it would.

Mr. MONDELL. Panama is a good many miles away and not easy to reach.

Mr. COOPER. If the Government of the United States has not immediate use of property, and it will list it, according to the gentleman's statement, people would come and look at it and buy it, or say what they would give for it.

Mr. MONDELL. If the material were where people could reach it and see it without traveling a great distance at a considerable cost and spending a lot of time, it would be entirely proper to advertise, and that would be the way to do it, but this involves a five-day trip down to Panama and a five-day trip back. People may not be able to go at the time of the sale.

Mr. COOPER. The man who buys this at private sale goes and looks at the property, and he must make that five-day trip down and five-day trip back.

Mr. MONDELL. If he does, he can buy the material right then and there, the minute that he arrives. He does not have to wait for a 30-day advertisement and all that sort of thing. But it is not absolutely necessary for a purchaser to go there at all.

Mr. COOPER. No; but if you advertise, he would make the five-day trip at the proper time. I object to this provision.

The CHAIRMAN. Does the gentleman from Wisconsin make the point of order?

Mr. COOPER. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

SEC. 3. That in measuring vessels for the purpose of imposing and collecting tolls at the Panama Canal and for other purposes the measurement shall be determined in all cases by the Panama Canal rules, and the maximum and minimum tolls for vessels of commerce prescribed in section 5 of the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone," approved August 24, 1912, shall be based on net tonnage as determined by said Panama Canal rules.

Mr. J. R. KNOWLAND. Mr. Chairman, I make the point of order on the provision that it changes existing law as to the levying of tolls.

This proposed legislation is an attempt to legalize the levying of a toll upon deck loads of vessels, thus discriminating against Pacific coast shipping interests. The Panama Canal act provides that the tolls when based upon net registered tonnage for ships of commerce "shall not exceed \$1.25 per net registered ton." The President, by proclamation, fixed the toll rate for vessels of commerce at \$1.20 per net registered ton. This toll has been collected and in addition an added charge has been made for deck loads, which is clearly contrary to law.

Lumber vessels do not load to their full capacity below decks, because of the convenience, particularly in the handling of long lengths, in utilizing the deck space. It requires less time to load and discharge. For this reason they do not load to a full capacity below. It should be borne in mind that a vessel is charged upon its full net registered tonnage, whether it is loaded to its full capacity or only carries half a load. Say a half of a load was carried below. It would be possible, should this authority be given—an authority now being illegally exercised—to collect a toll for the full net registered capacity of the ship and for the deck load in addition. It is bad enough for the owners of American ships to pay a toll through this Amer-



ican waterway, without being compelled to pay an amount greater than the law contemplated. Under the Suez Canal rules it is specially provided that "deck loads" are not comprised in the measurement. The navigation laws of the United States provide that nothing shall be added to the gross tonnage for any sheltered space above the upper deck, which is under cover and open to the weather—that is, not inclosed. (R. S., 4153, Mar. 2, 1895.)

The charge has been made that unsafe freak ships might be constructed. This could be easily regulated. The Suez Canal rules prohibit the overloading of decks. For these reasons I insist on the point of order.

The CHAIRMAN. Does the gentleman from New York care to be heard on the point of order?

Mr. FITZGERALD. Mr. Chairman, it is subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

Sec. 4. That the Joint Land Commission established under article 15 of the treaty between the United States and the Republic of Panama, proclaimed February 26, 1904, shall not have jurisdiction to adjudicate or settle any claim originating under any lease or contract for occupancy heretofore or hereafter made by the Panama Railroad Co. of lands or property owned by said Panama Railroad Co. in the Canal Zone, and no part of the moneys appropriated by this or any other act shall be used to pay such claims.

Mr. DIXON. Mr. Chairman, I make the point of order that this is new legislation.

The CHAIRMAN. Does the gentleman from New York care to be heard?

Mr. FITZGERALD. No; but I will offer an amendment in lieu of it.

The CHAIRMAN. The point of order is sustained, and the gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 171, in lieu of the section stricken out insert:

"Sec. 4. No part of the money appropriated by this act shall be used for the payment of salaries or expenses of the joint land commission established under article 15 of the treaty between the United States and the Republic of Panama in adjudicating or settling any claim originating under any lease or contract for occupancy made by the Panama Railroad Co. in the Canal Zone or for the payment of any award made by said commission on account of any such claims."

Mr. DIXON. Mr. Chairman, I make the point of order on the amendment.

Mr. FITZGERALD. Mr. Chairman, I ask for a ruling. I think it is a limitation on the appropriation.

Mr. SIMS. Mr. Chairman, I would like to submit an inquiry to the gentleman from New York.

Mr. FITZGERALD. I wish the Chair would rule on the point of order first.

Mr. SIMS. It is concerning this very proposition.

The CHAIRMAN. The Chair is of opinion that the amendment is a limitation, and overrules the point of order.

Mr. SIMS. Mr. Chairman, I think I know, but I would like to have the gentleman from New York [Mr. FITZGERALD] give the reasons why he thinks this amendment proper, so that it may go into the RECORD at the point where the amendment is offered.

Mr. FITZGERALD. Mr. Chairman, in the depopulation of the Canal Zone, due to raising the water, the Panama Canal Railroad has made certain leases at Gatun and Cascades, and when the order was issued to depopulate the zone those leases were revocable at will. The persons who had them—the natives there—had erected temporary shacks, some places with a little patch, and were declining to move unless they were compensated. There was no legal obligation upon the part of the Government, but the attorney for the Panama Railroad Co. found it was easier and better to pay some trifling sums to these persons and have them move out. A short time ago the joint land commission decided it should have jurisdiction of all those cases, and insisted on their being brought before the commission for adjudication rather than be settled in this way. The result will be that a number of claims upon the zone, with no foundation whatever, which could be adjusted and cleaned up by some trifling payment, must be brought before the joint land commission. They must sit there and hear the statements and review each case, and then determine if they have any claim. Well, the members of this commission receive \$15 a day and \$10 for expenses. They will get enough of these claims so that it will be a very profitable undertaking, so far as the commission is concerned, but a very expensive and useless proceeding, so far as the Government is concerned.

Mr. SIMS. The gentleman has also considered the question in connection with the Panama Canal treaty. Does the gentleman think there is anything in that—

Mr. FITZGERALD. All of these claims, if they are brought before the commission, will be decided against the claimants, and the only effect of the ruling of the commission is that it will stimulate the presentation of a great volume of claims they have to pass upon. It is notorious there is no foundation for claims against the Government, but it will lengthen the life of the commission.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Sec. 5. That in prescribing regulations under the provisions of section 5 of the sundry civil act of August 1, 1914, the President shall provide that in lieu of furnishing to the auditor individual detail collection vouchers, not provided for in said regulations, two competent persons, one from the office of the Auditor for the War Department, designated by the auditor, and one from the office of the Comptroller of the Treasury, designated by the comptroller, shall be sent semiannually, at such time as may be designated by the comptroller, to the Canal Zone to examine the accounts and vouchers and verify the submitted schedules of collections and report in triplicate to the Auditor for the War Department, the Comptroller of the Treasury, and the auditor of the Panama Canal; and such persons shall make such other examination into the accounts of the Panama Canal as may be directed by the comptroller, and for all such purposes they shall have access to all records and papers pertaining thereto. Such examination and inspection shall be made for the period covered by the persons designated as soon as practicable, and the report of such persons shall be promptly filed. Such persons shall be furnished their transportation going and returning, including meals, and be paid a per diem of \$4 from the day of sailing from the United States until return thereto, both days inclusive, in lieu of subsistence on the Isthmus and all other expenses, out of such appropriation for the Panama Canal as may be designated by the governor.

Mr. SMITH of Minnesota. Mr. Chairman, I move to strike out the last word. I wish to ask the gentleman from Illinois [Mr. MANN]—

Mr. COOPER. Mr. Chairman, I reserve a point of order on the section.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. SMITH of Minnesota. I wish to ask the gentleman from Illinois [Mr. MANN], knowing that he is familiar with the conditions on the Panama Canal Zone, whether or not it is possible to use any considerable portion of the equipment on the Panama Canal Zone in the construction of the railway in Alaska?

Mr. MANN. I do not think it is possible to use very much, and they do not think so.

Mr. SMITH of Minnesota. During the debate last summer on the Alaskan railway bill it was asserted, as I remember, that that was quite possible and feasible.

Mr. MANN. My recollection is—I am not sure I am right about that—that when the Isthmian Canal Commission reported upon this subject, as they did, men who had been engaged in construction work down there reported in the neighborhood of a million or a million and a half dollars' worth of equipment which possibly might be used for the Alaskan railroad. I should doubt it would be as much as that, yet it might be. Most of the equipment down there is either iron railway locomotives or cars which are not of standard gauge. The standard gauge is 4 feet and 8 inches, whereas the Panama Canal gauge is 5 feet in width; but, still, some of them can be readjusted, and would be valuable. Now, the other machinery that they have down there is largely excavation machinery of a kind and character that will not be worth anything at all in Alaska. Of course, some incidental things they could use.

Mr. SMITH of Minnesota. I thank the gentleman.

The CHAIRMAN. Does the gentleman from Wisconsin make the point of order?

Mr. COOPER. Mr. Chairman, I reserve a point of order. Before I speak to that, however, I would like to ask the gentleman from Illinois if there are not a considerable number of dredges down there which could be used in work in this country?

Mr. MANN. Well, they have a good many Bucyrus steam dredges with large shovels that would be of use in this country or elsewhere, although most of the dredges they have there with the large shovels can not be used in very many places. The 3-yard dredge is fairly good in various places. They have some now with 15-yard dippers. Of course, they would not be of use anywhere else in the world except there. The 5-yard is not so good in most places in this country; but those dredges which could be used are a valuable asset.

Mr. COOPER. I have heard it said by one who ought to know that some of these dredges and some of the excavating machinery could be used to great advantage in the improvement of the Mississippi River at a very great lessening of the expense and with very great benefit, and expedite, if I may, use the word, the project for the lower river.

Mr. MANN. If the gentleman will permit, some of the dredges that are in the water and work under water might be



of advantage with reference to some of the river and harbor improvements of this country; but they have a demand for them down there, and it will be a long time before they are through. In those places they are using them to excavate the slides, and the slides will be with us, I expect, until the gentleman from Wisconsin and myself are laid on the table.

Mr. FITZGERALD. Those are for maintenance purposes.

Mr. COOPER. Some are to be retained for maintenance purposes, but I do not think all are to be retained.

Mr. MANN. They use them in connection with the slides.

Mr. FITZGERALD. And they will be used on the coast channels and other parts. They are proposing to buy a new one now.

Mr. COOPER. I want to ask the gentleman from New York as to why this change is proposed in section 5?

Mr. FITZGERALD. The Comptroller of the Treasury decided that the audit of the accounts of the transactions on the canal, the papers and other transactions, should be sent to Washington, to be passed on here. That is practically impossible; so Col. Goethals and the Comptroller of the Treasury took the matter up and worked out this system by which the original audit will be made by the auditor for the Canal Zone.

And then twice a year a representative of the office of the Comptroller of the Treasury and a representative of the Auditor for the War Department, under whom these accounts come, shall visit the zone and make an examination, just like an examination of accounts in a commercial business. It was a matter in which it was difficult to determine just what should be done. The comptroller at first thought that on every commercial transaction a voucher should show the cost to the Government and the profit. There was no possible way that could be figured out. And to transmit all of the papers in connection with every transaction would so multiply the work connected with the canal it would not only be expensive but very unnecessary. So the Comptroller of the Treasury and Col. Goethals, when he was here last month, went over this matter and worked out this arrangement, that the auditing might be done by the auditor on the Canal Zone; and in order that there might be a proper check, one representative of the Auditor of the War Department and one representative of the comptroller should twice a year visit the Canal Zone and check over these accounts.

Mr. COOPER. Col. Goethals was of the opinion that this was the better way?

Mr. FITZGERALD. That this was the only practicable way they could work it out, and they have gotten together on the matter and agreed to it.

Mr. COOPER. I am disposed to yield to the opinion of such a man as Col. Goethals, reinforced by the gentleman from New York [Mr. FITZGERALD], but, generally speaking, I do not believe in auditing things 2,000 or 3,000 miles from the seat of government.

Mr. FITZGERALD. The advantage really is to audit a transaction at the place where it occurs, the same as with a great commercial business.

Mr. COOPER. We compel postmasters and collectors and all that sort of people to send their accounts here to Washington to be audited.

Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 6. That appropriations herein for printing and binding shall not be used for any annual report or the accompanying documents unless the copy therefor is furnished to the Public Printer in the following manner: Copies of the documents accompanying such annual reports on or before the 15th day of October of each year; copies of the annual reports on or before the 15th day of November of each year; and complete revised proofs of the accompanying documents and the annual reports on the 10th and 20th days of November of each year, respectively. The provisions of this section shall not apply to the annual reports of the Smithsonian Institution, the Commissioner of Patents, or the Comptroller of the Currency.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I intended to ask a question in reference to the preceding paragraph, as to sending auditors to the Isthmus. The language reads:

Such persons shall be furnished their transportation going and returning, including meals, and be paid a per diem of \$4 from the day of sailing from the United States until return thereto, both days inclusive, in lieu of subsistence on the Isthmus and all other expenses.

Upon what theory do we furnish transportation and meals to a man going from New York to Colon and then pay him \$4 a day for subsistence besides, or, when we furnish his subsistence in kind, why do we pay a commutation for it in addition?

Mr. FITZGERALD. I do not think we should pay it while they are on the boat, except there are some additional ex-

penses on the boat. I do not believe they should get the per diem while they are on the boat.

Mr. TOWNSEND. Is there ever a bridge whist game on the boat?

Mr. STAFFORD. There would be if the gentleman were there.

Mr. MANN. This will not amount to a great deal, probably, but there are a great many cases in the Government service where we furnish either subsistence in kind or a per diem, and I would hate to see us start in on the plan of furnishing both at the same time, because that would amount to a good deal in some cases.

Mr. FITZGERALD. It only amounts to about \$50.

Mr. MANN. I know it does not amount to very much here, but you can not make a precedent of this kind and stop. I am not going to offer an objection at this time, however.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 8. That all sums appropriated by this act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year 1916, and all laws or parts of laws to the extent they are in conflict with the provisions of this act are repealed.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to return to page 33 to offer an amendment in connection with a matter about which the gentleman from Illinois inquired.

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to page 33 for the purpose of offering an amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 33, line 12, strike out the word "notes" and insert in lieu thereof the word "currency."

Mr. FITZGERALD. Mr. Chairman, I inquired of the Bureau of Engraving and Printing, and this corrects the matter that the gentleman from Illinois called attention to.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I offer another amendment in connection with the same matter.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 38, in line 5, strike out the word "securities" and insert in lieu thereof the word "currency."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to return to page 61 to provide for a motor-propelled vehicle at the Chickamauga National Park.

The CHAIRMAN. Is there objection to the request of the gentleman from New York to return to page 61 for the purpose of offering an amendment?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 61, line 7, after the word "of," insert the words "one motor-propelled and one."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, on yesterday we passed a provision in the Reclamation Service until to-day. A provision has been prepared, after consultation with the Reclamation Service, which I think is acceptable to the gentleman from Wyoming [Mr. MONDELL] and acceptable to the gentleman from Missouri, who demurred, and acceptable to myself, a neutral. If the gentleman from Wyoming [Mr. MONDELL] will withdraw his amendment, I will offer this amendment to strike out the paragraph and insert the following.

Mr. MONDELL. Mr. Chairman, I withdraw the pending amendment to the paragraph.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] withdraws his amendment to page 106, which was passed over, and the gentleman from New York [Mr. FITZGERALD] offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the paragraph beginning with line 1 and ending with line 5, on page 106, and insert in lieu thereof the following:

"No work shall be undertaken or expenditure made for any lands for which the construction charge has been fixed by public notice, which work or expenditure shall, in the opinion of the Secretary of the Interior, increase the construction cost above the construction charge so fixed, unless and until a valid and binding agreement to repay the cost thereof shall have been entered into between the Secretary of the In-



terior and the water-right applicants and entrymen affected by such increase cost, as provided by section 4 of the act of August 13, 1914, entitled "An act extending the period of payment under reclamation projects, and for other purposes."

The CHAIRMAN. The Chair would like to state that the gentleman from New Jersey [Mr. PARKER] has a unanimous-consent request which the Chair will put to the committee. The gentleman from New Jersey asks unanimous consent to recur to page 112, to the items concerning Howard University, which were stricken out on a point of order. The gentleman asks that that ruling of the Chair be vacated, and that the committee return to that item and reconsider it. Is there objection?

Mr. Sisson. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Mississippi objects.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise and report the bill favorably to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. J. R. KNOWLAND. Mr. Chairman, pending that, I ask unanimous consent to extend my remarks in the RECORD in explanation of the point of order made against a paragraph of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PARKER of New Jersey. Mr. Chairman, I ask unanimous consent to extend my remarks on the subject of Howard University.

The CHAIRMAN. The gentleman from New Jersey [Mr. PARKER] asks unanimous consent to extend his remarks in the RECORD on the subject of Howard University. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] moves that the committee do now rise and report the bill to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 21318) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes, had directed him to report it back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

#### DESIGNATION OF SPEAKER PRO TEMPORE FOR TO-MORROW.

The SPEAKER. Before the Chair puts that question, he desires to designate Mr. WALSH, of New Jersey, to preside to-morrow.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### PENSION APPROPRIATION BILL.

Mr. BARTLETT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 21161, the pension appropriation bill.

Mr. GREENE of Massachusetts. Mr. Speaker, pending that I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BARTLETT. And pending my motion, Mr. Speaker, I would like to inquire of the gentleman from Illinois [Mr. HINEBAUGH], who is the ranking minority member, if he desires to enter into any agreement about general debate on the bill? I have a good many requests for time on this side of the House, without taking into consideration any time for myself to ex-

plain the bill or make any remarks about it, for about three hours. I have requests for about two hours and five minutes, not including members of the committee or including the time I would like to occupy myself, so that it seems to me that almost three hours on this side is requested.

Mr. HINEBAUGH. Three hours would be satisfactory to this side.

Mr. BARTLETT. That would be six hours of general debate. That is the gentleman's suggestion—three hours to a side?

Mr. HINEBAUGH. Yes.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to six hours, three hours to a side.

The SPEAKER. Pending the motion to go into the Committee of the Whole House on the state of the Union, the gentleman from Georgia [Mr. BARTLETT] asks unanimous consent that general debate on this bill be limited to six hours, one-half of the time to be controlled by himself and the other half to be controlled by the gentleman from Illinois [Mr. HINEBAUGH]. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the motion to go into the Committee of the Whole House on the state of the Union for the consideration of the pension appropriation bill.

The motion was agreed to.

The SPEAKER. The gentleman from Indiana [Mr. CLINE] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21161, the pension appropriation bill, with Mr. CLINE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21161, the pension appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 21161) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1916, and for other purposes.

Mr. BARTLETT. Mr. Chairman, the bill is short, but I ask unanimous consent that the first reading of it be dispensed with.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTLETT. Mr. Chairman, just a word in reference to the bill.

Mr. MANN. Reserving the right to object, Mr. Chairman, I would like to ask the gentleman a question. It is now a quarter to 3 o'clock. I am not sure that all the time in general debate will be used, but I take it that it is quite certain that the gentleman will not have the bill ready to-night for amendment.

Mr. BARTLETT. Yes. The gentleman can go on that assumption that we will not.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. STAFFORD. How long does the gentleman contemplate running to-night?

Mr. BARTLETT. I am not disposed at this time in the week, after the continuous attention that the House has given to the business during the past week, to press the bill to an unusual hour, because, in my judgment, we have ample time to pass the appropriation bills in the House. If there were any necessity to keep the House in session to an unusual hour I would not object, but there is nothing to be accomplished by it.

Mr. STAFFORD. There will be no question but what the bill will be gotten out of the way by Tuesday next?

Mr. BARTLETT. I apprehend the gentleman understands that Monday will not be occupied by this bill. I have no question that the bill will be finished some time during Tuesday. There are some amendments to be offered by gentlemen of the committee which will probably provoke some discussion. Otherwise I do not know that there is any reason to take very long after the general debate is over.

Mr. STAFFORD. Then we are to understand that the committee will not run very late this afternoon?

Mr. BARTLETT. Down my way even plowhands are entitled to some part of Saturday afternoon off, and I think Members of Congress ought to be entitled to as much.

Mr. Chairman, I started to say that I would not occupy the time of the committee in any detailed explanation of this bill at the present time. The bill carries \$165,000,000. Since the hearings were had before the committee further investigations have been made, and I have a letter from the Secretary of the Interior which will justify us in reducing that amount to \$164,000,000 at least, and that amendment will be offered.



I now yield one hour to the gentleman from Texas [Mr. DIES].

[Mr. DIES addressed the committee. See Appendix.]

Mr. HINEBAUGH. Mr. Chairman, I yield 25 minutes to the gentleman from Maryland [Mr. LEWIS].

Mr. LEWIS of Maryland. Mr. Chairman, I am not vain enough to think that I can add anything of value to the general philosophy applicable to the subject of the remarks of the distinguished gentleman from Texas [Mr. DIES]. Nor am I vain enough to think that I can even restate the form of such philosophy to improve its application this afternoon. There are a few things, however, that I wish to say, not in defense of socialism, not in defense of individualism, not in defense of communism, for none of these principles in their proper field of application needs any defense at all. I know it is the habit of superficial talkers, if not superficial thinkers, to classify themselves and others as socialists and individualists or communists, and then in a word and in a moment determine and solve every problem before society. I want to say that in any real sense there are no socialists, there are no communists, there are no individualists in this Congress to-day, or, rather, to state it more accurately, every one of us is a combination of all three.

There is not a man here who would assign the farm and the factory and the grocery store to socialistic action. There is not a man here who would assign the public school and the public road to the field of individualism. I hope there is not a man here who would take from the post office the functions that it has so beneficently discharged in the last hundred years all over the world.

Socialism represents the Postal Department, communism the roads and the public schools. The maxim of communism is, "To every man according to his need; from every man according to his power"; and so the bachelor and the childless taxpayer is taxed to maintain the public schools. The same maxim is applied by the State to the public roads, and it collects the cost of their maintenance from the taxpayer whether he has automobiles or wagons to run over the roads or not. In the post office the socialistic maxim, "To every man according to his deed" is applied, and there we pay for what we get, and the worker is supposed to be paid according to the value of his service.

The rule of individualism implies the field of individual initiative and capital, with no interference from the State except to enforce contracts and protect the citizen in the enjoyment of what he calls his own. Now, organized society has never been able to get along successfully as a one-idea or one-fingered institution, and has had to employ all three of these principles and doubtless will always continue to do so. It is for the publicist and political economist to decide from time to time after careful examination and analysis of the particular facts and circumstances whether an activity which the citizen can not conduct for himself, according to the rules of private finance, shall be conducted by society under the rules of public finance.

Around each of these principles is a set of shibboleths and aphorisms which were designed as battle cries of their partisans to characterize themselves or their foes. What I protest against this afternoon is the inconsiderate use of these sayings, that really start nowhere and get nobody anywhere—this light aphorism, the man with the mouth full of maxims and apothegms, which he shoots out at you upon all occasions, which are mere substitutes for thought by statesmen, mere short cuts to conclusions, which only avoid particular labor, work, and study of political problems, so essential for their wise solution. A favorite aphorism among the class active this afternoon is "the least government is the best government." If you can say that "the least government is the best government," then you have disposed of all progressive problems for a hundred years. You will leave the Government just where Jefferson left it, completely crystallized and with no development, utterly oblivious of the complete change of social relations and the revolution in human affairs. Can not such gentlemen understand that what may be a philosophy in one age may become a mere prejudice in another age? Can not gentlemen understand that the idea of "the least government is the best government" applied to France before the Revolution represented, in a brief statement, the most magnificent philosophy of human freedom, but applied to our day has become a mere prejudice and often a mere barrier in the way of human progress? [Applause.]

The man who invented the aphorism, when he invented it, performed some service to society and enabled groups to think and express themselves with facility; but the man who applies it indiscriminately to our problems, and in these days, is only standing in the way of progress and employing it as a mere substitute for investigation of particular problems.

Let us take, for example, the shipping bill the immediate incitement, I presume, for the most witty address you have just heard. You can settle that question very readily if you will just think of the right apothegm, the right aphorism, and that happens to be "the least government is the best government," which is on the lips of every monopolist and exploiter of special privilege. But, good God, what would it mean so applied, gentlemen of the House? Here are the rates on the ocean to-day that run five to ten times the normal rates. Suppose the transportation agencies inside the country were to suddenly raise their rates five or ten times, would you have a filibuster and the aphoristic statesman on your hands, or have a revolution of the most dangerous character? [Applause.]

But because it happens to be out on the ocean, invisible to the provincial eye, is it to be dismissed? Let us see. Transportation, after all, has been recognized for centuries as representing a field in which the Government found one of its first duties. It went so far as to adopt the communistic principle in order to put a road to every man's door. Is that duty to be utterly neglected on the ocean? Let us analyze the case. We can not regulate ocean rates through the Interstate Commerce Commission, unfortunately, because the carrying property is not the property of citizens of this Republic, and because representing alien property, as it mostly does, its right to do commerce, its right to bring shipments here and take them away, is protected by innumerable treaties. We are unable to use the instrumentality of regulation, therefore, in that field as we have done with the railroads.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman yield for a question?

Mr. LEWIS of Maryland. Yes.

Mr. HUMPHREYS of Mississippi. To what treaty provision does the gentleman refer that would prevent the Federal Government from regulating oceanic rates?

Mr. LEWIS of Maryland. I am unable to refer now to any special treaty. I am giving my opinion that the treaty relations of the country would prohibit it at this time.

Mr. BRYAN. The gentleman will remember that the subsidy, so called, given under the Underwood tariff bill could not be put into effect because of treaties with foreign nations.

Mr. LEWIS of Maryland. I am convinced there are complications, diplomatic and probably economic, which prevent this Government employing regulation as one of the instruments of relief. What are we to do? Here are transportation rates ten times normal. The hog is in the garden of our commerce, and this Democracy, now responsible to the people, in some fashion ought to get that hog out. She is going, perhaps, to tangle her skirts and muss up the aphoristic statesmen in doing it, but the duty is present, and this administration ought to be applauded for the courage with which it meets problems so presented instead of impliedly being denounced as the author of all kinds of fantastic, irresponsible socialism.

Mr. Chairman, the gentleman saw fit in his omnibus characterization of governmental action to take up the subject of the telephone and the telegraph, a subject with which my own labors here in the House have been peculiarly associated. It is true that every country in the world, democratic, monarchical, republican, and what not, has treated the electrical communication the same as the letter communication, and that that function has been postalized throughout the world. Let me make a sensational statement this afternoon. I do not usually indulge in that habit, but I am going to take the liberty to do so now.

The business man of the United States has to pay as much to ship a long-distance telephone communication over the wires of our country as he has to pay to ship a ton of freight over the rails. I mean that the scale of telephone charges for long-distance purposes amounts to 6 mills a mile, while the railroads get 7 mills a mile for carrying an average ton of freight, so gentlemen can see how very weighty their conversations sometimes are—over the telephone, at least.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of Maryland. Yes.

Mr. STAFFORD. If that long-distance telephonic charge is unreasonable, why does not the Interstate Commerce Commission under the powers vested in it under the Mann Act exercise those powers and make a reasonable rate?

Mr. LEWIS of Maryland. Why, gentle shepherd, tell me why. Why? Because the whole theory of regulation is nearly worthless, applied to certain kinds of monopoly, and you can not secure through the theory of regulation—in the postal field—the kind of rates and the kind of service that the postal function can give you if it is allowed to do so. Regulation is not a substitute for competition or postal action. Why do the express companies to-day not carry a pound parcel for a nickel? Because they can not do it. They are losing money on 21 cents, the low-



est rate fixed by regulation. I can give the gentleman the facts about these things, if the House would have the patience to listen to them, but my purpose in rising this afternoon was, so far as least as one member of the majority party is concerned, to express an emphatic dissent to this implied denunciation of the administration.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield further?

Mr. LEWIS of Maryland. Yes.

Mr. STAFFORD. But in the case of express companies the Interstate Commerce Commission, though laggard for many years, did exercise that power and reduce the rates, and it did lower the exorbitant charges and make reasonable charges.

Mr. LEWIS of Maryland. It reduced the 25-cent rate to 21 cents, and Postmaster General Burleson reduced his rate to a nickel. He is making money at a nickel rate, and the express companies to-day are losing money at a quarter.

But that is the trouble with this whole problem. I am not implying that the gentleman from Wisconsin [Mr. STAFFORD] illustrates it. These gentlemen who have their stock aphorisms and apothegms can not ever be gotten to investigate particular facts. The votary of that easy philosophy does not need to examine facts. He never needs to discriminate or distinguish human conditions and circumstances. He has an aphoristic arrow that he can shoot straight to the star of the ideal solution any moment you give him a chance to talk. Take the telegraph business, for example. Of course Government operation must be uneconomical. That is fundamental with the aphorists. Well, in Australia to-day the cost to the Government of shipping a telegram, over a country as large as our own, is just 27 cents on the average. It costs the American companies 48 cents.

I am not speaking of rates; I am speaking of cost of service to the companies that conduct it. And, moreover, the number of telegraph stations in that country are about seven to one as compared with this. I want to say that while it may not always be true, when a private financier is given a complete monopoly of the field you are going to have two results in all probability. One result is the highest rates, rates that will cut down the traffic and service to society. The other is uneconomical service, the lowest product per dollar expended—and our telegraph agencies illustrate this very principle. This means low operative efficiency. I mean in the work done by the employees engaged therein. The private monopoly does not get as much product out of the employee as postal monopolies are getting, and that is true of the telephone monopoly and of the telegraph monopoly as well.

Mr. CAMPBELL. Will the gentleman yield?

Mr. LEWIS of Maryland. I will.

Mr. CAMPBELL. Upon what authority or information does the gentleman make the statement that the telegraph operatives of this country are less efficient than the operatives in other countries?

Mr. LEWIS of Maryland. I will give the gentleman the specific facts. The function of telegraphic institutions is to handle telegrams, and the number handled per year per telegraphic employee in New Zealand amounts to 4,000. The number handled per year per telegraph employee in the United States amounts to 2,900. The number of telegrams per office in the United States, upon which the operative had a chance to make a record, was some 41 per day. It was only 12 in New Zealand. The telegraph monopoly of the United States is absolutely reeking with functional inefficiency, while it charges rates that run from two to four times those of other countries.

Mr. CAMPBELL. Have the investigations of the gentleman led him to inquire as to the number of telegraph offices per capita of Australia and the United States?

Mr. LEWIS of Maryland. Seven times as many there as here. [Applause.]

Mr. CAMPBELL. Seven times as many offices?

Mr. LEWIS of Maryland. Yes, sir; compared to population. I know these facts sound incredible to gentlemen, and they will sound incredible to any school that has been instructed by an aphoristic school-teacher. Of course the Government can not do anything efficiently; of course it can not do anything economically, he thinks. It is against all the philosophy of the aphorist. Our point of view in these matters ought not to be determined by aphorisms that ought to be in the grave with the heroes who made them 100 years ago.

A Member of Congress, responsible to the Nation, ought to be willing to dig into the facts for conclusions and not merely doctor the great American patient with cheap aphorisms. [Applause.] Take the Bell system. Nobody denies its magnificent development. It collects nearly half of the telephone revenue of the world. I have no prejudices against it; but it is a fact

at the same time that the postal telephone systems of the world, with rates about one-half per message, are getting nearly twice as much product out of their employees as the Bell system is getting out of its employees. Why? Because its rates are so high that the machine can not be fully utilized. On the long-distance lines abroad the rates run from one-fourth to one-eighth what they are here, and the result is those lines are utilized 10 per cent of their maximum potentiality. Here we utilize only 4 per cent of the possible maximum. Of course the aphorist has no time or need to take into account mere humble facts and human circumstances like these. Now I want to say to gentlemen who think they are going to shut off the progress of humanity with shining claptrap and characterization that there is growing up in this country some protestants. The responsible radical has come. He has no simple rules by which everything can be solved, but he studies the field and examines the facts and circumstances, and from that examination constructs his conclusions. He reports to the president of the company that a bridge is rotten and ought to go down. The aphorist would burn it down and take his time to build a new one, but the responsible radical will leave that bridge stand until a new bridge is constructed, so that traffic will not stop for a moment.

Now, I want to say that kind of a man is coming into the field of government the world over. His idea is to march forward. His philosophy embraces all men. I have no patience with the philosophy that fits only the strong man, the fine man, the man with superior mind or muscles. It is the philosophy of the jungle, that does not take into account the weak brother whom every moral system, and especially our own Christian system, takes into account, and whom our own social aspirations and our own fundamental laws as well take into account, as inseparable members of society. The gentleman said that he was utterly opposed to the doctrine that the Government owed any man a job. Of course, stated in that way here, we all would be opposed to it. But at the same time it is immutably true that the jobless, houseless, farmless, landless man is entitled to an opportunity to earn his bread and keep from starving. That is an inevitable implication from his membership in society and his right to live.

I know this truth is written in every conscience here this afternoon. Now, we have not been able so far to define this ethical right in terms of law. It is our misfortune and his misfortune, too. But the ethical right exists, and future generations of statesmen will write it in the form of law despite the aphorist and his easy philosophy.

Now, gentlemen of the House, I am for the administration in this matter. [Applause.]

Mr. GORDON. Will you let me ask you a question right there?

Mr. LEWIS of Maryland. Yes.

Mr. GORDON. Where do you find any warrant in the Constitution of the United States to engage the people of the United States in the business of carrying goods, wares, and merchandise for hire upon the open sea?

Mr. LEWIS of Maryland. The Supreme Court a half dozen times has affirmed it.

Mr. GORDON. The Constitution, I said.

Mr. LEWIS of Maryland. I will let the Supreme Court be my witness. They are pretty safe researchers in constitutional law. Half a dozen times, I will say to the gentleman from Ohio, the Supreme Court has decided that the Government can take all instruments of interstate and foreign commerce, condemn them, and operate them for its own purpose. The legal authority would seem to be the least questionable feature of the subject. The economical side of it is new and might be questioned, but the legal authority is clear.

Mr. GORDON. Of course, you do not answer me the question. I ask you to point it out in the Constitution. On what clause of the Constitution does the Supreme Court base all this authority?

Mr. LEWIS of Maryland. On the clause which provides for the regulation of interstate and foreign commerce.

Mr. GORDON. Would you cite that case?

Mr. LEWIS of Maryland. The last case is the case of Wilson against Shaw, who was then Treasurer of the United States, and may be found in Two hundred and fourth United States Reports, page 24, decided within the last 10 years.

Mr. WEBB. It is Wilson against Shaw, in the Two hundred and fourth United States Reports.

Mr. PLATT. Does the gentleman imply that gives the Government of the United States the right to condemn a ship?

Mr. LEWIS of Maryland. If it is an instrument of interstate commerce and American property—

Mr. PLATT. But if it is an instrument of foreign commerce?



Mr. LEWIS of Maryland. Equally so. If it were not used in interstate or in foreign commerce, the right might be questioned.

Mr. CALLAWAY. One question. You compared the necessity for highways by saying that the Government, first realizing that necessity, provided public roads over which the people could carry their stuff.

Now, there can be no comparison at all between undertaking to carry their freight in bottoms and merely preparing roads over which people could carry their stuff. The high seas would be the equivalent of the roads over which the stuff goes. To carry freight in bottoms would be equivalent to furnishing them transportation to haul their stuff over roads on land.

Mr. LEWIS of Maryland. Well, the physical comparison may be somewhat inexact, but the gentleman should remember that in nearly all other countries the State has provided not only the roads, but the vehicles themselves.

Mr. CALLAWAY. There is one further question that I want to ask the gentleman, and that is if he has gone into the facts so that he is able to compare this Government with that of Germany? I understand there are fundamental differences between the formation of this Government and that of other Governments, and I wanted to know if the gentleman had looked into that, so that he could give the House when he discusses that thing later a dissertation on our Government, formed as it is, as compared with other Governments, taking into consideration the voter, who is interested in drawing his salary and retaining his job here, as compared with like employment of similar men in other countries.

Mr. LEWIS of Maryland. I will say that I have heard that question discussed. In Germany, for example, it was said there was a class accustomed to command and another class accustomed to obey, and they could secure efficiency in those matters when we could not. I have tested that out in only one respect, and that is in comparing our postal establishment with theirs. Our postal establishment takes as its unit of service the number of mail pieces, and when you take the number of employees and divide them into the number of mail pieces handled in the United States in 1912 we find they averaged some 60,000 per employee. Our postal employee ranked away ahead of all other nations in that respect, including Germany, so that the supposition that our postal establishment is economically inefficient in comparison with that of other countries is not sustained.

Mr. MARTIN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Maryland yield to the gentleman from South Dakota?

Mr. LEWIS of Maryland. Yes.

Mr. MARTIN. Do I understand the gentleman to say that the Supreme Court of the United States in numerous cases has held that the power exists in the Federal Government under the Constitution to take over and operate the instrumentalities of interstate commerce?

Mr. LEWIS of Maryland. Yes.

Mr. MARTIN. Will the gentleman have the kindness to attach a list of those cases to his remarks?

Mr. LEWIS of Maryland. Yes. Another case is that of the Monongahela Navigation Co. case, 148, page 34. The cases are given in Nichols on Eminent Domain, section 23.

Mr. LEVY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of Maryland. Yes.

Mr. LEVY. Do I understand that the Interstate Commerce Commission has no control over our shipping?

Mr. LEWIS of Maryland. None over foreign shipping.

Mr. LEVY. I understood the gentleman to say that, and I wondered, because the Interstate Commerce Commission has control over commerce.

Mr. Sisson. Mr. Chairman, will the gentleman yield to me for one question?

Mr. LEWIS of Maryland. Yes.

Mr. Sisson. As to the efficiency of our Postal Service as compared with that of Germany, what about the cost of handling the packages and the salaries of the employees?

Mr. LEWIS of Maryland. Our salaries are somewhat larger, but not so much so as is supposed. Because of the fact that the telegraphs and telephones are added to the postal service in Germany some of the fiscal comparisons can not be made.

Mr. Sisson. Can the gentleman make a comparison as to the cost per package? Of course, you would have to take into consideration the distance, because it is so much greater here than in Germany. But has the gentleman made a comparison as to the cost per package per employee?

Mr. LEWIS of Maryland. Germany does not happen to report postal expenses as distinguished from telegraph and telephone expenses, and therefore a comparison can not be made.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. BARTLETT. Mr. Chairman, does the gentleman from Illinois [Mr. HINEBAUGH] desire to use some time now?

Mr. HINEBAUGH. No more to-night.

Mr. BARTLETT. Then I will yield 10 minutes to the gentleman from Ohio [Mr. SHERWOOD].

The CHAIRMAN. The gentleman from Ohio [Mr. SHERWOOD] is recognized for 10 minutes.

Mr. SHERWOOD. Mr. Chairman, I desire to make a few remarks of a practical nature touching pensions. A magazine called the World's Work has been publishing a series of articles by an unworthy son of a distinguished sire of Massachusetts on my dollar-a-day pension bill, and these articles have all been based on the estimate by the former Commissioner of Pensions, Mr. Davenport, to the effect that the bill carried \$75,000,000.

I made an investigation of that question in company with the gentleman from Indiana [Mr. ADAIR], and the gentleman from Missouri [Mr. RUSSELL], both members of the Committee on Invalid Pensions. We made an estimate as to what the bill would cost if enacted into law, notwithstanding the estimate to the Commissioner of Pensions, and that estimate of ours was proclaimed by your humble speaker on the floor of the House when the bill finally passed on the 10th of May, 1912. That estimate was \$21,000,000. The report of the Commissioner of Pensions for the year succeeding the passage of that law gave the amount of money that had been paid out in pensions under that law at \$20,800,000, so that was less by \$200,000 than the estimate made by the members of the Pension Committee. And now, in February, 1915, the World's Work magazine—and I am not rising now to a question of privilege, because I do not care what the World's Work says about it, one way or the other—has an editorial in which I am designated as "a pension fanatic," and so forth. It does not seem to be understood that we had a great war in this country; and notwithstanding the present war in Europe I still claim that the war in the United States from 1861 to 1865 was the fiercest, the bloodiest, and the longest-enduring war of modern times.

Let us take the leading characteristics of these two wars for a moment. I carried a musket that was estimated to kill at 800 yards. I would load that musket by five motions. I carried 40 rounds of ammunition, every round done up in brown paper; and the man who passed the examination then as a volunteer had to have a good set of front teeth in order to tear the brown paper from the cartridge. Now, a European soldier can pass an examination if he has no teeth at all. They are now carrying a gun that will shoot to kill at 2,000 yards. That gun will shoot 10 times as frequently and is 10 times as destructive as the guns the Volunteers carried 50 years ago.

Our field cannon—the largest that we carried—was a 20-pound Parrot gun. Now they are using a gun that will carry for 6 miles. Our guns were all muzzle-loaders. Now the man who operates a machine gun is behind armor plate; he is protected. Our trenches were thrown up overnight. Now they are having trenches built from 5 to 6 feet deep, and they are covered with an impervious substance to prevent the havoc of exploding shells. Our armies on both sides were in clear view of each other. Now the armies on both sides are all out of sight, not to be seen.

Let me call your attention to this fact, that to-day the two armies confronting each other in France and Belgium and the two armies confronting each other on the Russian border have not practically changed their positions for two months. What was the truth about our Army in the great Civil War? Take the army of Gen. Sherman, whose base of supply was at Louisville, Ky. It fought its way first to Nashville, from Nashville to Chattanooga, from Chattanooga to Rocky Face Mountain, from Rocky Face Mountain to Atlanta, from Atlanta to Savannah, from Savannah up the coast to Raleigh, to the close of the war. How many miles did that army march? Eleven hundred and twenty-five miles. In the Atlanta campaign of 110 days we made an advance of 1 mile a day—110 miles from Rocky Face Mountain to Atlanta in 110 days.

Here is another consideration. How many distinguished major generals and brigadier generals have lost their lives in this war? I am talking now to a very select audience, who are supposed to read the newspapers and the cablegrams. Is there



a gentleman on this floor who can name a single brigadier or major general who has been killed in battle in this gigantic European war? They have a line over 100 miles long in the army of the west and over 100 miles long in the army of the east. They have a battle line of over 200 miles, and we read of desperate bayonet charges every day. There can not be any successful bayonet charges when they carry guns that will kill at a mile, because every column would be annihilated before it reached half a mile. If I were a betting man, which I am not, I would bet my month's salary against a Panama bond that you can not find five soldiers in any field hospital in France, or Germany, or England, or Russia, or Hungary who are wounded with bayonets. We read of the terrible destruction in these battles. They have fought 40 great battles, according to the reports. I venture the assertion that they have not lost 25 per cent of their armies in battle.

Why, my friends, at the Battle of Franklin, where I happened to be; just at the right of the Franklin Pike, in a battle line of two and one-half miles, 12 Confederate generals were killed or mortally wounded—all on the front line of battle—in five hours' fighting. Do you know of any general being killed while leading a charging column over in this European war? There is quite a characteristic difference therefore between the commanders of our Armies in the Civil War and of those over across the ocean.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERWOOD. Will the gentleman give me five minutes more?

Mr. BARTLETT. I yield to the gentleman five minutes more.

Mr. SHERWOOD. At the Battle of Resaca, on the 14th of May, 1864, I saw Gen. Hooker, in the full uniform of a major general, with his yellow sash across his breast, magnificently mounted, right on the skirmish line. I commanded the Union advance at Pine Mountain, at the right of Kenesaw, about a mile, the day that Bishop Polk was shot. I was mounted and near the cannon which fired that shot, and saw the explosion of the shell that killed Bishop Polk, a former bishop of the Episcopal Church, then a major general, and he was killed right on the Confederate front line. I saw Gen. Jack Logan, mounted on that magnificent black horse, "Black Jack," after McPherson was killed in front of Atlanta, when Logan rallied the staggering battalions of our Army and saved the left wing. I saw Gen. Pat Claiborne at Franklin, mounted on a magnificent chestnut horse, in that fearful charge of November 30, 1864. I saw him ride diagonally across the line between the two armies. These were generals who led. Have you heard of any such gallant leadership in this great European war?

My time is limited, and I want to say a few words about this bill.

In my judgment, the item of \$100,000 for medical examiners might be reduced. I am an economist on everything but pensions. [Laughter.] For instance, under the bill known as the Sherwood bill, the act of May 11, 1912, a soldier is pensioned on account of his service and his age. Disability has nothing to do with it. Now, 370,000 soldiers, in round numbers, have been pensioned under that law. What excuse is there for any medical examination for these 370,000 soldiers? They are on the pension roll not on account of disability but on account of their age and their service. There is no use making an argument on that proposition. It is apparent that they do not need any medical examination.

Who are the rest of the pensioned soldiers? Soldiers who lost an arm or a leg, and who are drawing pensions on account of that loss—pensions specifically provided for by law. They do not need any medical examination. I can not see what necessity there is for an appropriation of \$100,000 for that purpose, and, with the consent of the chairman of the committee, I shall offer an amendment to reduce the amount to \$25,000, thereby saving \$75,000.

There is another characteristic of that war. Every soldier who stood behind the gun whether he wore the blue or the gray, knew what he was fighting for. The French soldier upon one side of the Rhine and the German soldier on the other side of the Rhine belong to the same class, but they do not either of them know what they are fighting for. The only excuse I ever saw was given by an Englishman, in a couplet, to show what he was fighting for:

My name is Tommy Atkins and I am a husky chap,

My comrade is a Cossack, and my partner is a Jap;

And with all the blooming virtues for which you know we shine,

We are carrying civilization to the people on the Rhine.

[Laughter and applause.]

Mr. AUSTIN. Will the gentleman yield?

Mr. SHERWOOD. I will.

Mr. AUSTIN. In regard to the \$100,000 for medical examination, does not the gentleman think that the department may need that amount for the examination of soldiers who served in the Spanish-American War?

Mr. SHERWOOD. Very possibly that might be so.

Mr. BARTLETT. Mr. Chairman, I will ask the gentleman from Illinois if he wants to consume any time now on that side?

Mr. HINEBAUGH. I have no one ready to go on at this time.

Mr. BARTLETT. Has the gentleman any more Members who want to speak on that side?

Mr. HINEBAUGH. Oh, yes; there are quite a number of gentlemen.

Mr. BARTLETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. CLINE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21161, the pension appropriation bill, and had come to no resolution thereon.

#### ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3419. An act admitting to citizenship and fully naturalizing George Edward Lerrigo, of the city of Topeka, in the State of Kansas;

S. 2304. An act for the relief of Chris Kuppler;

S. 1880. An act for the relief of Chester D. Swift;

S. 1703. An act for the relief of George P. Chandler;

S. 2334. An act for the relief of S. W. Langhorne and the legal representatives of H. S. Howell;

S. 3925. An act for the relief of Teresa Girolami;

S. 2882. An act for the relief of Charles M. Clark;

S. 3525. An act for the relief of Pay Inspector F. T. Arms, United States Navy;

S. 5092. An act for the relief of Charles A. Spotts;

S. 5254. An act authorizing the Secretary of the Interior in his discretion to sell and convey a certain tract of land to the Mandan Town and Country Club;

S. 5497. An act authorizing the issuance of patent to Arthur J. Floyd for section 31, township 22 north, range 22 east of the sixth principal meridian, in the State of Nebraska;

S. 5970. An act for the relief of Isaac Bethurum;

S. 5695. An act for the relief of the Southern Transportation Co.;

S. 5990. An act to authorize the sale and issuance of patent for certain land to William G. Kerckhoff;

S. 1060. An act fixing the date of reenlistment of Gustav Hertfelder, first-class fireman, United States Navy;

S. 1304. An act authorizing the Department of State to deliver to Capt. P. H. Uberroth, United States Revenue-Cutter Service, and Gunner Carl Johannson, United States Revenue-Cutter Service, watches tendered to them by the Canadian Government;

S. 926. An act for the relief of the Georgia Railroad & Banking Co.;

S. 1377. An act for the relief of Alfred S. Lewis;

S. 1044. An act for the relief of Byron W. Canfield;

S. 604. An act for the relief of Sarah A. Clinton and Marie Steinberg;

S. 543. An act to correct the military record of John T. Haines; and

S. 145. An act for the relief of Charles Richter.

#### ADJOURNMENT.

Mr. BARTLETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Sunday, February 14, 1915, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Zerilda Brodie, widow of Robert Brodie, deceased, v. The United States (H. Doc. No. 1594); to the Committee on War Claims and ordered to be printed.

2. Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of



John D. Spurgeon v. The United States (H. Doc. No. 1595); to the Committee on War Claims and ordered to be printed.

3. Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John T. Small v. The United States (H. Doc. No. 1596); to the Committee on War Claims and ordered to be printed.

4. Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John D. Shofstall v. The United States (H. Doc. No. 1597); to the Committee on War Claims and ordered to be printed.

5. Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Charles A. Schimpff v. The United States (H. Doc. No. 1598); to the Committee on War Claims and ordered to be printed.

6. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Richard C. Perkins v. The United States (H. Doc. No. 1599); to the Committee on War Claims and ordered to be printed.

7. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Levi S. Warren v. The United States (H. Doc. No. 1600); to the Committee on War Claims and ordered to be printed.

8. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of James H. Lyman v. The United States (H. Doc. No. 1601); to the Committee on War Claims and ordered to be printed.

9. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of George H. Beers v. The United States (H. Doc. No. 1602); to the Committee on War Claims and ordered to be printed.

10. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Daniel N. Dressler v. The United States (H. Doc. No. 1603); to the Committee on War Claims and ordered to be printed.

11. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Giles R. Leonard v. The United States (H. Doc. No. 1604); to the Committee on War Claims and ordered to be printed.

12. Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Similde E. Forbes, widow of Seloftus D. Forbes, v. The United States (H. Doc. No. 1605); to the Committee on War Claims and ordered to be printed.

13. Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Reuben R. Lyon, executor of James R. Allen, deceased, v. The United States (H. Doc. No. 1606); to the Committee on War Claims and ordered to be printed.

14. Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of Ohio River at or near Elizabethtown, Ill. (H. Doc. No. 1607); to the Committee on Rivers and Harbors and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 11694) providing for the construction of a public building at Binghamton, N. Y., reported the same with amendment, accompanied by a report (No. 1401), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARK, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 11291) for the purchase of a site and the erection of a public building at Blytheville, Ark., reported the same without amendment, accompanied by a report (No. 1402), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LEWIS of Maryland, from the Committee on Labor, to which was referred the bill (H. R. 12292) to prevent interstate commerce in the products of child labor, and for other purposes, reported the same with amendment, accompanied by a report (No. 1400); which said bill and report were referred to the House Calendar.

Mr. MONTAGUE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 21315) to authorize the construction of a bridge across the Suwanee River in the State of Florida, reported the same with amend-

ment, accompanied by a report (No. 1403), which said bill and report were referred to the House Calendar.

Mr. GOEKE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 7949) to authorize Parkersburg-Ohio Bridge Co., a corporation created and existing under the laws of the State of West Virginia, its successors and assigns, to construct a bridge across the Ohio River from the city of Parkersburg, State of West Virginia, to the town of Belpre, State of Ohio, reported the same without amendment, accompanied by a report (No. 1404), which said bill and report were referred to the House Calendar.

Mr. CANTRILL, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 20340) to increase the appropriation for a public building at Elkins, W. Va., reported the same with amendment, accompanied by a report (No. 1406), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DEITRICK, from the Committee on Military Affairs, to which was referred the bill (H. R. 16223) for the relief of Warren V. Howard, reported the same without amendment, accompanied by a report (No. 1405), which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEPHENS of California: A bill (H. R. 21440) providing for the construction of naval auxiliaries and for their operation as merchant vessels in time of peace; to the Committee on Naval Affairs.

By Mr. WEBB: A bill (H. R. 21441) to amend section 200 of the Judicial Code; to the Committee on the Judiciary.

By Mr. FARR: A bill (H. R. 21442) authorizing the President of the United States to issue a provisional embargo upon wheat and wheat flour; to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER: A bill (H. R. 21443) to reimburse owners of cattle exhibited at the National Dairy Show at Chicago, Ill., in November, 1914, and since then detained in said city because of the quarantine established by the United States Government; to the Committee on Agriculture.

By Mr. PLATT: A bill (H. R. 21449) to regulate the filling of vacancies in the Corps of Cadets at the United States Military Academy not otherwise provided for by existing law, and for other purposes; to the Committee on Military Affairs.

By Mr. NORTON: A bill (H. R. 21450) to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes; to the Committee on the Public Lands.

By Mr. WATSON: Joint resolution (H. J. Res. 421) to authorize the Legislature of the Territory of Alaska to apply and expend certain license taxes of said Territory after July 1, 1915; to the Committee on the Territories.

By Mr. PADGETT: Resolution (H. Res. 732) for consideration of S. 5259; to the Committee on Rules.

By Mr. GREGG: Resolution (H. Res. 733) to amend H. Res. 591, Sixty-third Congress, second session; to the Committee on War Claims.

Also, resolution (H. Res. 734) to amend H. Res. 532, Sixty-third Congress, second session; to the Committee on War Claims.

By Mr. CAMPBELL: Memorial of the Legislature of the State of Kansas, protesting against the proposed establishment of two Federal judicial districts in the State of Kansas; to the Committee on the Judiciary.

By Mr. CONNOLLY of Iowa: Memorial of the Legislature of the State of Iowa memorializing Congress to investigate the origin of the foot-and-mouth disease; to the Committee on Agriculture.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 21444) for the relief of the Johnstown Building & Loan Association Co., of Johnstown, Ohio; to the Committee on Claims.

Also, a bill (H. R. 21445) for the relief of the Home Building Loan & Savings Co., of Coshocton, Ohio; to the Committee on Claims.



By Mr. CARR: A bill (H. R. 21446) granting an increase of pension to Nancy S. McKelvey; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 21447) granting an increase of pension to John Hundley; to the Committee on Invalid Pensions.

By Mr. WALSH: A bill (H. R. 21448) for the relief of Abraham B. Lewis; to the Committee on Military Affairs.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BRODBECK: Petitions of York County Branch of the German-American Alliance, protesting against export of war material; to the Committee on Foreign Affairs.

By Mr. COOPER: Petitions of C. Buenger and other residents of Kenosha; M. L. Geubert and other residents of Clinton; William Rust and other residents of Mukwongo; Albert Wald and other residents of Burlington; German Catholic Young Men of Racine; St. Michael's Society, Racine; St. Kasmer's Society, Racine; German-American Alliance, Watertown; German-American Alliance, Wausau; Bower City Verein, Janesville; Lutheran Aid Association, Ableman, all in the State of Wisconsin, asking that legislation be enacted to prohibit the sale of arms, ammunition, and munitions of war to any of the belligerents of the present European conflict; to the Committee on Foreign Affairs.

Also, petition of the Kenosha (Wis.) Branch of the Socialist Party, asking that Congress authorize certain Government work looking toward the employment of the unemployed; to the Committee on Labor.

Also, petition of Waukesha County (Wis.) Guernsey Breeders' Association, favoring appropriation to reimburse exhibitors of cattle at the National Dairy Show at Chicago in November last for expenses incurred because of the quarantine established by the Government; to the Committee on Appropriations.

Also, petition of the Waukesha County (Wis.) Holstein-Friesian Breeders' Association, favoring an appropriation to reimburse exhibitors of cattle at the National Dairy Show at Chicago in November last for expenses incurred because of the quarantine established by the Government; to the Committee on Appropriations.

By Mr. DAVENPORT: Petition of citizens of Kitchum, Okla., protesting against passage of House bill 20644, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. DONOHUE: Petition of citizens of Philadelphia, Pa., favoring bills to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. DOOLING: Petition of Liberty Council, No. 296, C. B. L., New York City, favoring bills to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. EAGAN: Petitions of sundry citizens of the State of New Jersey, favoring citizens of the State of New Jersey, favoring the passage of bills to prohibit export of war materials; to the Committee on Foreign Affairs.

Also, petition of the Union Hill (N. J.) Emanuel Church, favoring all nations joining in world federation; to the Committee on Foreign Affairs.

By Mr. GALLIVAN: Petitions of sundry citizens of Boston, Mass., favoring passage of resolution to prohibit the export of war material; to the Committee on Foreign Affairs.

By Mr. GARRETT of Tennessee: Petitions of Methodist Missionary Society of Dresden and Woman's Missionary Society of Ripley, Tenn., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. GILMORE: Petition of citizens of Brockton and Rockland, Mass., relative to unemployment; to the Committee on Labor.

By Mr. McCLELLAN: Memorial of St. Peter's Sick and Aid Society, composed of 170 members, urging legislation to prohibit export of war material; to the Committee on Foreign Affairs.

Also, petition of C. A. Borst and 268 citizens of Kingston, N. Y., favoring passage of bills to prohibit export of war material; to the Committee on Foreign Affairs.

Also, petition of St. Peter's Sick and Aid Society, of Kingston, N. Y., favoring exclusion from the mails of the Menace, etc.; to the Committee on the Post Office and Post Roads.

Also, memorial of Rand Study Club, of Kingston, N. Y., relative to unemployed; to the Committee on Labor.

By Mr. MAGUIRE of Nebraska: Petition of 5 citizens of Plattsmouth, Nebr., favoring bills to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. MAHAN: Petition of Mr. Barnard Wundulick, of Norwich, Conn., favoring passage of bills to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. PARKER of New York: Petition of J. W. Walters and other citizens of Glens Falls, N. Y., favoring passage of resolution to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. RAKER: Petition of the United States Butchers' Association of America, Chicago, Ill., urging law to prevent the slaughter of any calf weighing less than 150 pounds live weight; to the Committee on Agriculture.

Also, petitions of W. E. Davis and J. J. Johnston, of You Bet; George Flessa, of Nevada City; F. J. O'Keefe, of Placerville; and F. M. King, S. D. Lombard, and J. C. Hussey, of Chicago Park, all in the State of California, favoring House joint resolution 377, to forbid export of arms; to the Committee on Foreign Affairs.

By Mr. SABATH: Petition of Garden City Branch No. 11, National Association of Letter Carriers, Chicago, Ill., protesting against reduction in salaries of letter carriers in the Chicago post office; to the Committee on the Post Office and Post Roads.

By Mr. THOMAS: Petition of sundry citizens of Lewisburg, Ky., protesting against the Fitzgerald amendment to the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petition of business men of Bowling Green, Ky., favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. YOUNG of North Dakota: Petition of Paul Goldade and others, protesting against export of war material; to the Committee on Foreign Affairs.

#### HOUSE OF REPRESENTATIVES.

SUNDAY, February 14, 1915.

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore [Mr. WALSH].

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Almighty God, our heavenly Father, for the desire down deep in the human heart which inspires to intellectual, moral, and spiritual attainments which distinguishes men and fits them for leadership in the onward march of civilization, and for that appreciation which accords to others gratitude for those attainments.

We meet here to-day that we may render fitting tribute to a Member of this House who, though his service was cut short by the hand of death, has left a record worthy of such recognition by his faithful, intelligent service wherever he was called in State or national affairs. He has passed on to the great beyond, but still lives in his deeds and in the hearts of those who knew him. We thank Thee for that faith in the immortality of the soul which, through hope and love, enables us to look forward to a reunion of those we love, where all our longings, hopes, and aspirations may find their full fruition in a service to Thee. Be this our comfort and the comfort of those bound to him by the ties of kinship. May our lives be worthy of the tribute which is accorded to the faithful, in the name of Him who taught us how to live and to pass on with perfect faith in our God and our Father who doeth all things well. Amen.

The SPEAKER pro tempore. The Clerk will read the Journal.

Mr. HART. Mr. Speaker, I ask unanimous consent that the reading of the Journal may be postponed until to-morrow.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent that the reading of the Journal be postponed until to-morrow. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the special order.

THE LATE REPRESENTATIVE LEWIS J. MARTIN, OF NEW JERSEY.

The Clerk read as follows:

On motion of Mr. HART, by unanimous consent, *Ordered*, That Sunday, February 14, 1915, be set apart for addresses on the life, character, and public services of the Hon. LEWIS J. MARTIN, late a Representative from the State of New Jersey.

Mr. HART. Mr. Speaker, I ask unanimous consent that Members may be permitted to print their remarks in the RECORD on the life, character, and public services of Hon. LEWIS J. MARTIN.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent that Members may have the privilege of printing their remarks in the RECORD on the life, character, and public services of Hon. LEWIS J. MARTIN. Is there objection? [After a pause.] The Chair hears none.

Mr. HART. Mr. Speaker, I send to the Clerk's desk the following resolution.